By Mr. HALPERN:

H.R. 8875. A bill to amend title 10 of the United States Code, in order to implement a comprehensive program for treating and rehabilitating members of the Armed Forces who are drug addicts, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 8876. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal years 1971 and 1972; to the Committee on Appropriations.

H.R. 8877. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Mr. BADILLO, Mr. DONOHUE, Mr. WILLIAM D. FORD, Mr. FUQUA, Mr. HALPERN, Mr. KYROS, Mr. RIEGLE, and Mr. ST GERMAIN):

H.R. 8878. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the Civil Service; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST:

H.R. 8879. A bill to provide for the treatment of members of the Armed Forces who are narcotics addicts; to the Committee on Armed Services.

H.R. 8880. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 8881. A bill to amend the Social Security Act to provide that Federal welfare payments may be made with respect to an individual who qualifies therefor on the basis of drug-caused disability or incapacity only if such individual is undergoing appropriate treatment; to the Committee on Ways and Means.

By Mr. CARNEY:

H.J. Res. 674. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.J. Res. 675. Joint resolution to provide for the revision of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. McCORMACK:

H.J. Res. 676. Joint resolution providing for the establishment of an Annual Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 677. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. STEELE:

H.J. Res. 678. A joint resolution designating the month of October of each year as "Drug Awareness Month"; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.J. Res. 679. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. ADAMS:

H. Con. Res. 323. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry: to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H. Con. Res. 324. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ASHLEY (for himself, Mr. SEIBERLING, and Mr. VANIK):

H. Res. 458. Joint resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HATHAWAY (for himself and Mr. BURKE of Massachusetts):

H. Res. 459. Resolution commemorating the 150th anniversary of English High School of Boston, Mass.; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mr. COUGHLIN, Mr. FRENZEL, Mr. RANGEL, and Mr. WINN):

H. Res. 460. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

203. The SPEAKER presented a memorial of the Legislature of the State of Rhode Island, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. EILBERG introduced a bill (H.R. 8882) for the relief of Maximo Rene Trabuco, his wife Delia Irene Trabuco, and their children Gracila Lucia Trabuco, and Claudia Sandra Trabuco; to the Committee on the Judiciary.

SENATE—*Wednesday, June 2, 1971*

The Senate met at 9 a.m., 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:

Almighty God, guide of the past and hope of the future, enable Thy servants here to use this new day wisely for the welfare of this Nation and the advancement of Thy kingdom. Spare them from squandering time on the wrong things or things which do not matter much. May nothing important be left undone and nothing badly done. Give them courage to make the hard decision and grace to live with the consequences. May they be strong in the Lord and in the power of His might. Teach the people of this land, young and old, the ways of Thy statutes to do them that we may fulfill the laws of Thy kingdom.

In the Redeemer's name we pray. Amen.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries, announced that the President had approved and signed the following measures:

On May 27, 1971:

S. 1181. An act to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes; and

On May 28, 1971:

S.J. Res. 29. A joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week", and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolution:

S.J. Res. 103. A joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day".

The enrolled joint resolution (S.J. Res. 103) was signed by the President pro tempore.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger; and

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and Frederick L. Baston.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger; and

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and Frederick L. Baston.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 1, 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. TUNNEY) is now recognized for not to exceed 30 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator from California yield to me?

Mr. TUNNEY. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order be modified to allow the able Senator from California to be recognized for not to exceed 15 minutes, following which the able Senator from Michigan (Mr. HART) be recognized for not to exceed 15 minutes.

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

(The remarks of Mr. TUNNEY and Mr. HART on the introduction of S. 1975 are printed in the transaction of routine morning business section of the RECORD under statements on introduced bills and joint resolutions.)

ORDER OF BUSINESS

Mr. HART. Mr. President, is a quorum call permitted here, to expire at the conclusion of the unused part of the 15 minutes?

The PRESIDING OFFICER. Under the unanimous consent agreement, the distinguished Senator from Virginia (Mr. BYRD) is to be recognized at the conclusion of the remarks of the distinguished Senator from Michigan.

Mr. HART. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired, and, in accordance with the previous order, the distinguished Senator from Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

(The remarks of Mr. BYRD of Virginia when he introduced Senate Joint Resolution 106 and S. 1976 are printed in the transaction of routine morning business section of the RECORD under statements on introduced bills and joint resolutions.)

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE F, 92D CONGRESS, FIRST SESSION—THE INTERNATIONAL WHEAT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the international wheat agreement, 1971—Executive F, 92d Congress, first session—which was transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the International Wheat Agreement, 1971, which was open for signature in Washington from March 29 through May 3, 1971. The Agreement was formulated at the United Nations Wheat Conference, 1971, held in Geneva.

I transmit also, for the information of the Senate, the report of the Secretary of State and the memorandum enclosed therewith concerning this Agreement.

The Agreement is in two parts, the Wheat Trade Convention and the Food Aid Convention, covered by a common preamble. Both Conventions were signed in behalf of the Government of the United States of America. The Wheat Trade Convention was signed also for the European Economic Community and its six member States and for the governments of 26 other countries. The Food Aid Convention was signed also for the European Economic Community and its six member States and for the governments of six other countries.

The International Wheat Agreement, 1971, is intended to succeed the International Grains Arrangement, 1967, which will terminate by its own terms on June 30, 1971.

The new Wheat Trade Convention continues international cooperation in wheat trade, maintaining the International Wheat Council and most of its functions and establishing a new Advisory Sub-Committee on Market Conditions charged with the task of continuously reviewing current market conditions and making prompt reports to the Executive Committee of the Council concerning the existence or threat of market instability. On the basis of such reports, the Executive Committee is to meet, review the situation, and consider the possibility of mutually acceptable solutions. The Council may also be convened to review such situations.

In contrast to previous wheat agreements, the 1971 Convention does not contain price provisions and purchase and supply obligations, principally because the exporting countries were unable to agree on the reference wheat or wheats to be used for setting minimum and maximum prices. Major changes in the Canadian grading system made uncertain the trading relationships among the several top quality wheats that were being considered as reference wheats. The negotiating conference decided that progress on establishing minimum and maximum prices and the related supply and purchase provisions must await the establishment and the testing in trade of the new Canadian grading system.

The Food Aid Convention continues the commitment initiated under the 1967 Food Aid Convention whereby parties contribute specified amounts of wheat, coarse grains, or products derived therefrom, or the cash equivalent, to developing countries. The principal changes in the new Convention are a reduction in the number of donors from 12 to 9, a slight reduction in the total minimum annual contribution, and a broadening of the terms under which contributions can be made.

Both Conventions provide that instruments of ratification shall be deposited no later than June 17, 1971. The Wheat Council may, however, grant an extension of time to any signatory government that had not deposited an instrument of ratification by that date.

It is my hope that the Senate will give early and favorable consideration to the two Conventions of the 1971 Agreement so that ratification by the United States can be effected and an instrument of ratification can be deposited without undue delay.

RICHARD NIXON.

THE WHITE HOUSE, *June 2, 1971.*

WAIVER OF RULE OF GERMANENESS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in view of the fact that a time limitation agreement has been entered into with respect to the unfinished business for today, and also with respect to the debate which is to ensue between the hours of 3 p.m. and 5 p.m. on the reorganization plan, that the Pastore rule of germaneness be waived for today.

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

QUORUM CALL

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the transaction of routine morning business, until not later than the hour of 10 a.m.

TRANSPORTATION IN THE 1970'S: A DECADE OF CRISIS OR HOPE?

Mr. HARTKE. Mr. President, the American surface transportation system is in trouble—serious trouble. If crisis is to be averted, there is an urgent need for a comprehensive assessment of the entire situation and a total review of our national transportation policy. The problem is large and complex, with serious implications for everyone. It will not yield to such hurried, narrowly conceived approaches as have been outlined earlier this year by the President's Ad-

visory Council on Executive Reorganization—the Ash Council—nor is it reasonable to expect that it will be adequately addressed in the report on national transportation policy that the Secretary of Transportation is obligated by the Airport and Airway Development Act of 1971 to submit shortly to Congress. Both the Ash Council recommendations and the Secretary's report warrant careful consideration—but in the context of a larger assessment of transportation policy that we have begun in the Surface Transportation Subcommittee with our inquiry into the rail industry. A special staff has begun work, and some hearings have already been held. It is impossible to overemphasize the critical nature of transportation and why its problems become the Nation's problems.

Transportation is universal. It is the movement of goods to market, of people to jobs and schools and cultural facilities; it is railroads, trucks, water carriers, airplanes—it is the auto, the bus, the subway. It is also pollution—pollution of the air, pollution of the eardrums, pollution of the environment. But these are only the superficial manifestations of transportation. More fundamentally, transportation is as vital and as powerful a shaping force of economic life and of the quality of our society as any other single factor. Without transportation, the American economy simply cannot grow and prosper.

And just as transportation is crucial to a growing economy, so, too, does transportation exert a great influence on life itself. Our cities have been shaped and reshaped by transportation. It would be as inaccurate to separate transportation from the urban problem as it would be to separate it from housing or education or employment. In a good analogy, someone has likened transportation to the body's central nervous system, in that it holds together all of the pieces and separate functions of the society and economy.

Despite its crucial importance, the American transportation system today is in serious trouble. As I look ahead, and attempt to take into account the enormous additional requirements that will be imposed upon it, I am deeply concerned that, absent major new initiatives, the system will crumble. Some experts foresee further railroad bankruptcies coupled with possible nationalization of our rail system, the demise through bankruptcy or merger of literally hundreds of small truckers and a trend to increased concentration in the inland water industry that could signal the demise of dozens of small- and medium-sized water operators. Deeply disturbing though these possibilities are, they also imply a serious decline in the quality of common carrier transportation in the United States. For many shippers, and many communities, and perhaps for the whole United States, it is entirely conceivable that within a matter of a few years no public freight transportation will exist. Meanwhile, within our cities the continued reliance on the automobile as the primary form of transportation will mean more pollution, despite steps to reduce auto emissions in new cars, and a further decline in the availability of public transportation. The loss falls most heavily upon the elderly, the poor, and those inner-city residents seeking employment in the suburbs, but we all suffer from this unavailability of service.

The imminence of these developments is matched only by one's sense of marked disappointment at the failure to make good use of emerging technological opportunities in transportation. We can have more efficient, more widely available, safer, and less polluting forms of transportation than we now have. But they will not come into public use without special efforts, calling for strong and creative Government leadership. Today's transportation environment is largely hostile to new innovations and to major technological advances. Landing men on the moon was simply a matter of developing technology to overcome measurable obstacles. Putting a man in the middle of Manhattan safely, regularly, at his convenience, and on time is incredibly more difficult. Technology is part of the answer, but by no means the whole answer; more desperately, we need the appropriate political framework and structure. Only through systemic recognition of the potential of technology to improve transportation and a careful creation of incentives to bring new advances into everyday use can the American public be provided a transportation system that is efficient, financially healthy, and humane. I use the last word deliberately, for I am convinced that our present system too often needlessly works at cross purposes with the kind of society we want—that it is both hostile to a decent environment and unavailable, as a practical matter, to significant numbers of citizens.

Mr. President, the 1970's represent a watershed in transportation. This can be the decade of crisis in American transportation. It could also be the decade in which the full technological potential of transportation was realized—in which transportation-induced pollution was virtually eliminated, in which transportation was made available to all Americans regardless of income or location, in which businesses of all sizes were assured of the availability of efficient transportation. Whether this will be the decade of crisis or the decade of new accomplishment depends, however, not on wish or accident, but on a deliberate comprehensive, no-holds-barred reassessment of all the features that go to make up the American transportation system. The time has come, as we enter a new decade, to take a fresh, uninhibited look at our transportation system.

This must be a thoroughly planned, deliberate examination of every aspect of transportation. It must start with an appraisal of where we are—the adequacies and shortcomings of transportation to various categories who make up the transportation industry, of our regulatory policies and practices, and the other factors that characterize transportation as we know it. From this starting point the assessment must look ahead to future transportation requirements, starting with recognition of fact that the American economy in the 1970's will grow—in real terms—by about 50 percent. This implies that the transportation system must handle a vastly increased volume of freight. In less than a decade a surface transportation system that has taken more than a century to develop must expand by one-half. Whether it can do so—whether there must be new approaches to financing transportation investment—whether there must be changes in Federal regulatory and other policies—are questions that must be deeply and carefully probed.

We must also look outside transportation, for transportation greatly affects the quality of the environment and influences every aspect of daily life. As we look into the near future we must attempt to assess the social and environmental consequences of transportation and identify areas in which new technology—new systems for the movements of goods and people—might be introduced to make transportation a constructive social partner. In short, we must measure where we are, assess future requirements, ascertain how transportation in the foreseeable future is likely to serve the needs of the economy and of society, and determine how technology and new policy approaches might contribute to a better transportation system.

This year, Mr. President, the Subcommittee on Surface Transportation has begun a comprehensive assessment of the sort I have described. We have begun with a general look at the condition of the railroad industry. It will be a long, difficult and time-consuming endeavor. But it is vital and is a job that calls for serious attention and firm commitment. I start with no preconceptions other than a pledge to develop as comprehensive a factual picture as possible, to stand ready to consider new approaches—guided by the firm belief that change should neither be resisted nor accepted for its own sake, but only if it can help us do our job better, and to search for ways in which new approaches and new technology may be advantageously employed. In our hearings—which I expect will continue for many months—we will be calling upon transportation experts from all of the affected industries, from the financial community, from the Federal, State, and local governments, from the universities, from research organizations, and even from other countries. Some hearings will be concerned with specific problems and/or specific legislation; this will be necessary because of the pressing nature of some issues. But it is my intent to keep each hearing, each question in context. It will be our goal to make this the most thorough, most far-reaching examination of American transportation ever conducted.

Our air can be simply put: To insure that the United States has a transporta-

tion system that efficiently serves the needs of all our people and that makes use of new technological approaches so as to complement as closely as possible our social and environmental concerns. We must have a good transportation system, but I am persuaded that this will only come about through careful study and a willingness to adapt new approaches. The hearings to be conducted by the subcommittee will provide us with that base of knowledge and will enable us, hopefully in 1972, to make whatever legislative recommendations appear necessary to realize our objectives.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 2, 1971, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 103) a joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE INDIAN CLAIMS COMMISSION

A letter from the Acting Chairman of the Indian Claims Commission submitting, pursuant to law, its final determination with respect to the claim of The Creek Nation, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

PROPOSED FACILITIES FOR THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, notice of facilities project proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

REPORT OF THE EXPORT-IMPORT BANK

A letter from the Secretary of the Export-Import Bank of the United States submitting, pursuant to law, a report of the actions taken by the Bank during the quarter ended March 31, 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED BILL RELATING TO HOUSING

A letter from the Secretary of Housing and Urban Development submitting proposed legislation to consolidate, simplify, and improve laws relating to housing and housing assistance (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REGULATION OF INSURANCE IN THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States submitting reports, pursuant to law, entitled "Followup Review Shows Long Missing Government-Owned Materials in Vietnam Still Unaccounted For," "Problems, in Providing Proper Care to Medicaid and Medicare Patients in Skilled Nursing Homes," and "Improvements Needed in Management of Highway Safety Rest Area Program," (with accompanying reports); to the Committee on Government Operations.

PROPOSED CONTRACTS RELATING TO DRAINAGE AND MINOR CONSTRUCTION WORK

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract relating to drainage and minor construction work on Federal reclamation projects (with accompanying papers); to the Committee on Interior and Insular Affairs.

ORDERS AND REPORTS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Three letters from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, orders of certain aliens who have been found admissible to the United States; orders suspending deportation and list of persons involved; and reports concerning visa petitions which the Service has approved (with accompanying papers); to the Committee on the Judiciary.

AUDIT REPORT OF THE AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from George H. Jones, Jr., Certified Public Accountant, transmitting, pursuant to law, an audit report for the American Symphony Orchestra League, Inc., for fiscal year ending March 31, 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT BY THE DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior submitting, pursuant to law, a report on the results of a study made pursuant to the provisions of section 512 of the Federal Coal Mine Health and Safety Act of 1969 to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety (with accompanying reports); to the Committee on Labor and Public Welfare.

REPORT OF THE FEDERAL MEDIATION AND CONCILIATION SERVICE

A letter from the Director of the Federal Mediation and Conciliation Service submitting its report for the fiscal year ending June 30, 1970 (with accompanying report); to the Committee on Labor and Public Welfare.

SAFETY STANDARD ON PUPIL TRANSPORTATION

A letter from the Deputy Administrator of National Highway Traffic Safety transmitting, pursuant to law, proposed highway safety program standard on pupil transportation (with accompanying papers); to the Committee on Public Works.

PROSPECTUSES ON CERTAIN FACILITIES

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, prospectuses covering certain facilities (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS

"Requesting the President of the United States and the Secretary of State to urge the Soviet Union to acquit Ruth Aleksandrovich, a Russian Jew, of charges brought against here at a current trial in Riga

"Whereas, this week an intrepid fighter for freedom, Mrs. Rivka Aleksandrovich, who emigrated to her ancient homeland of Israel from Soviet Russia last month, will visit the commonwealth; and

"Whereas, Mrs. Aleksandrovich's daughter, Ruth, age 23, is on trial this week in Riga, Russia, where she has been imprisoned since October, 1970; and

"Whereas, Ruth Aleksandrovich's long imprisonment without a trial is reportedly due to her desire to emigrate from the USSR to Israel and to her courage in petitioning for the right of exit as guaranteed under Article 13 of the United Nations Human Rights Charter; and

"Whereas, the Russian government has denied her appeal to pursue the cultural and religious tenets of her ancient Jewish heritage; and

"Whereas, such denial by the Russian government is contrary to the Soviet Constitution which assures protection from discrimination and provides for the instruction of every citizen in the language of her nationality; now, therefore, be it

"Resolved, that the Massachusetts Senate respectfully appeals to President Nixon and to Secretary of State Rogers to use the full force of their offices to urge the Soviet government that Ruth Aleksandrovich be acquitted, that harsh sentences already imposed on other Russian Jews for similar charges be annulled and that the government of the USSR allow all desiring to leave to do so in accordance with international obligations subscribed to by that government; and be it further

"Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to Secretary of State Rogers, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, May 26, 1971."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION NO. 141

"Concurrent Resolution of the Legislature of the State of New York to memorialize the Congress of the United States to take all necessary steps to persuade the government of Turkey to immediately destroy its opium poppy fields before the 1971 harvest in return for reimbursement to its opium poppy farmers of the damages suffered thereby from funds appropriated for that purpose by the State of New York and the United States Congress

"Whereas, Death from an overdose of heroin represents the greatest single cause of death among the youth of New York City; and

"Whereas, All efforts by local, state and federal law enforcement agencies to interdict the smuggling of heroin into the United States and its sale within this state have failed to curb this traffic; and

"Whereas, On April 7, 1971, the New York State Commission of Investigation reported to the governor of this state that 'Law enforcement's approach to this problem has been ineffective. The traffic in heroin has not been curbed. Indeed, it is flourishing,'" and

"Whereas, The New York Legislature has four times in the last twenty years amended the anti-narcotic laws of this state to provide for both more severe and mandatory punishments for heroin traffickers with little effect on the traffic itself; and

"Whereas, Despite every effort by New York State to curb the increases in the number of persons addicted to heroin, the number of

identified addicts has increased in New York City alone from 52,000 in 1968 to an estimated 103,000 in 1971; and

"Whereas, New York State is required to spend of $100,000,000.00 annually directly for the care, treatment, rehabilitation and retraining of a small fraction of the narcotic addict population; and

"Whereas, The Addiction Services Agency of the City of New York will have spent over $80 million during the 1970–71 fiscal year to assist 3,500 addicts and would require $2½ billion to treat and care for only 100,000 of the addicts now residing in the City of New York; and

"Whereas, There are an estimated 15,000 narcotics addicts presently receiving welfare assistance from the City of New York at a direct cost of over $50 million annually; and

"Whereas, The major portion of violent and other serious crimes committed in New York City and other cities of this State results from the tragic need of heroin addicts to obtain funds to pay for the heroin they consume; and

"Whereas, In 1960, there were 1841 felony arrests in New York State of persons charged with selling narcotics or possessing narcotics in an amount sufficient to create a presumption of intent to sell and in 1969 there were 18,489 felony arrests in New York State for this same crime, an increase of 1000% and in 1970, in New York City alone, there were 26,799 felony arrests in this category, a 44% increase over the entire state-wide figure for the year previous, so that our law enforcement agencies are being overwhelmed by the sheer numbers of narcotics sellers and addicts being processed through our criminal justice system; and

"Whereas, It now appears that the only practical solution to halt the continued flood of heroin into the State of New York is the destruction of the opium poppy at its source;

"Whereas, It would be less expensive and more effective for the State of New York to contribute toward the cost of preventing opium cultivation than to concentrate its resources in treating heroin addicts or combating the huge and profitable traffic in narcotics taking place on the streets of its cities; and

"Whereas, Eighty-five percent of all of the heroin sold in the State of New York is refined from the sap of the opium poppy (*papaver somniferum*) grown in Turkey; and

"Whereas, Opium, unlike other dangerous drugs, cannot be synthetically produced, nor can it be cultivated in any but selected areas within the world; and

"Whereas, To date Turkey has failed and neglected to control the diversion of its opium crop to illegal channels; and

"Whereas, By the end of 1970, the Turkish government and nation has received in excess of $5 billion in military and economic assistance from our federal government which monies were raised in substantial part through taxation of the citizens of this state; and

"Whereas, The public statements of members of the Turkish Government on the problem of limiting the cultivation of the opium poppy in Turkey has evidenced an appalling lack of concern about the crisis caused in this state as well as this nation by Turkey's failure to strictly enforce the international treaty binding it to destroy all opium poppy production not grown for legitimate purposes; and

"Whereas, Opium can be harvested only during one twenty-four hour period each year, which period occurs during the last week of June or the first week of July each year; and

"Whereas, The illegal opium poppy production in Turkey intended for diversion to the heroin traffic can only be harvested simultaneously and from the same fields as those devoted to the legitimate cultivation of the opium poppy; and

"Whereas, The world supply of legitimate opium presently in stock is sufficient to satisfy all legitimate needs for the foreseeable future; and

"Whereas, Eighty-five percent of the heroin supplied to the addicts of this state can be interdicted if all the Turkish opium poppy fields now under cultivation were destroyed prior to the approaching harvest date, which destruction can be accomplished for a fraction of the present cost to this state resulting from the traffic in heroin; now, therefore, be it

"Resolved (*if the Assembly concur*), That the Congress of the United States be and hereby is memorialized to take all necessary steps to persuade the government of Turkey to immediately destroy its opium poppy fields before the 1971 harvest in return for reimbursement to its opium poppy farmers of the damages suffered thereby from funds appropriated for that purpose by the State of New York and the United States Congress; and be it further

"Resolved (*if the Assembly concur*), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy to the Secretary of the Senate and one copy to the Clerk of the House of Representatives, and one copy to each member of the Congress from the State of New York and that the latter be urged to devote themselves to the task of accomplishing the purposes of this resolution."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"RESOLUTION

"Ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"Whereas, The House of Representatives of the United States and the United States Senate, by the constitutional vote of two-thirds (⅔) of each House concurring therein, did enact at the first session of the ninety-second Congress of the United States of America in 1971 a proposed amendment of the Constitution of the United States; and

"Whereas, Said proposed amendment was submitted to the States for ratification and said proposed amendment to the Constitution of the United States of America is in the following words, to wit:

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"Now, therefore, be it

"Resolved, That the General Assembly of the State of Rhode Island and Providence Plantations does hereby ratify the above proposed amendment to the Constitution of the United States of America; and be it further

"Resolved, That certified copies of this resolution be immediately transmitted by the secretary of State of the State of Rhode Island and Providence Plantations to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States."

A concurrent resolution of the Legislature of the State of New Hampshire; to the Committee on the Judiciary:

HOUSE CONCURRENT RESOLUTION No. 17

"Ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"Whereas, the Ninety-second Congress of the United States of America at its First Session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (*two-thirds of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"Be it resolved by the House of Representatives of the General Court of the State of New Hampshire, the Senate Concurring: That, the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older be and the same is hereby ratified; and be it further

"Resolved, That certified copies of this resolution, signed by the Speaker of the House and the President of the Senate, be by them forwarded to the President of the United States, the President Pro Tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States."

REPORT OF A COMMITTEE

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

S. 493. A bill to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes (Rept. No. 92–138).

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. TUNNEY (for himself, Mr. HART, and Mr. MATHIAS):

S. 1975. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age. Referred to the Committee on the Judiciary.

By Mr. BYRD of Virginia:

S. 1976. A bill relating to salaries paid justices and judges appointed for 8-year terms who are not reconfirmed. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1977. A bill to establish the Oregon

Dunes National Recreation Area in the State of Oregon, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. YOUNG:

S. 1978. A bill to amend title 10 of the United States Code in order to prohibit the revision or withdrawal of certain bids relating to the activities of the Corps of Engineers, Department of the Army. Referred to the Committee on Armed Services.

By Mr. HATFIELD:

S. 1979. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

By Mr. TAFT:

S. 1980. A bill to provide for a Law Enforcement Trust Fund. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 1981. A bill to authorize the U.S. Commissioner of Education to establish consumer education programs. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 1982. A bill to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. BELLMON:

S. 1983. A bill to exempt from taxation certain property in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. FANNIN:

S. 1984. A bill to provide for national cemeteries in the State of Arizona. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 1985. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

By Mr. BYRD of Virginia:

S.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 107. A joint resolution to authorize and request the President to issue annually a proclamation designating the month of February of each year as "American History Month." Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. TAFT, Mr. COOK, Mr. HART, Mr. INOUYE, Mr. PACKWOOD, Mr. SPONG, Mr. BAYH, Mr. BENTSEN, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. DOLE, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SAXBE, Mr. STEVENSON, and Mr. WILLIAMS):

S.J. Res. 108. A joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY (for himself, Mr. HART, and Mr. MATHIAS):

S. 1975. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age. Referred to the Committee on the Judiciary.

REDUCTION OF AGE LIMIT FOR SERVICE ON FEDERAL JURIES

Mr. TUNNEY. Mr. President, I rise today to introduce, together with my colleagues and fellow members of the Judiciary Committee, the Senator from Michigan (Mr. HART) and the Senator from Maryland (Mr. MATHIAS), a bill to lower the minimum age for service on Federal juries from 21 to 18 years of age.

As the youngest Member of the U.S. Senate, I take particular pride in authoring this legislation because I believe that it will bring to our newly enfranchised young citizens the full measure of the cherished American right to trial by one's peers. Last year the Congress took the long awaited step of extending to these young citizens the right to vote in Federal elections. Just a few months ago, we passed unanimously a constitutional amendment to extend that right to include all elections at every level. Now the Congress has the opportunity to act once more to guarantee to these young people the full measure of their rights as citizens and voters by extending to them the right to serve on Federal juries.

Indeed, the very same arguments which caused us to lower the voting age are ones which are persuasive in favor of this bill. Those arguments were stated most eloquently by many of my colleagues in the Senate, men of great ability, such as JENNINGS RANDOLPH of West Virginia, the first witness in favor of the 18-year-old vote last year and a man who has worked since 1942 on behalf of that cause. Men such as BIRCH BAYH of Indiana who, as chairman of the Senate Subcommittee on Constitutional Amendments, guided the amendment to passage this year. Men such as MIKE MANSFIELD and WARREN MAGNUSON and EDWARD KENNEDY and MARLOW COOK, and numerous others of my colleagues who introduced and sponsored the Voting Rights Act of 1970 and other bills to lower the voting age to 18.

All of those many Senators pointed out most eloquently that the age of 21 years can no longer be looked upon as a magical threshold of civic responsibility. Even Vice President AGNEW endorsed the lowered voting age, stating that—

> Young people today are better educated and they mature physically much sooner than they did even 50 years ago.

In fact, nearly 80 percent of the over 11 million 18- to 21-year-olds are high school graduates and more than half are engaged in higher education. Almost half of them are married. Three million of them have full-time jobs. Nearly 1 million are serving in the Armed Forces, and tens of thousands of them have died in an endless war in Southeast Asia.

Time after time, these young people have demonstrated their high-minded civic responsibility, most notably through their efforts in the Peace Corps, VISTA, and many other volunteer programs in which they serve. Time and again they have shown themselves to be sensitive to our Nation and her freedoms. Over half of them consider themselves political independents, instead of Republicans or Democrats. The vast majority emphatically reject the extremes of the political spectrum.

To close Federal juries to this massive segment of the population, which Congress has declared adults for purposes of voting, would frustrate not only the purpose of the Federal jury laws but the purpose of the jury system itself. As the Supreme Court stated as early as 1942:

> The proper functioning of the jury system, and, indeed, our democracy itself, requires that the jury be a "body truly representative of the community" and not the organ of any special group or class . . . [Jury officials] must not allow the desire for competent jurors to lead them into selections which do not comport with the concept of the jury as a cross section of the community . . . If such practices are to be countenanced, the hard won right of trial by jury becomes a thing of doubtful value, lacking one of the essential characteristics that have made it a cherished feature of our institution. [*Glasser* v. *United States*, 315 U.S. 60, 86 (1942).]

In fact, the basic structure of our jury system, which Congress restated as recently as 1968, already reflects these ideas and thus requires the adoption of this bill. The recently enacted Federal Jury Selection and Service Act requires that lists of prospective jurors be taken from voter registration or other voter records. A similar practice has been adopted in numerous States which either require jurors to be qualified voters or provide that the names of prospective jurors are to be taken from registration lists or other election records. And as Congress stated in enacting the new Federal Jury Selection and Service Act:

> The voting list requirement, together with the provision for supplementation, is therefore the primary technique for implementing the cross sectional goal of this legislation.

But perhaps the most telling reason for including young people on Federal juries stems from the character of today's youth. Their idealism and pressing sense of justice are precisely the qualities which the jury was intended to bring to the American courtroom. The real purpose of the jury system is twofold. First, by making a cross section of the community the final trier of fact and judge of guilt, the American legal system provides the accused with the shield of 12 independent laymen whose innate sense of justice protects him from the legalism, dogmatism, and oppression of the State to which he might otherwise fall victim. Second, by making a random segment of the community an important part of the administration of justice, the courts enhance the community's acceptance of their decisions. By closing Federal juries to those between 18 and 21 years of age, Congress would deny the system the use of those abilities which make the jury a viable institution and would encourage contempt and rejection of the courts' dictates by that segment of our population.

In short, failure to permit those between 18 and 21 years of age to serve on Federal juries is inconsistent with the congressionally, constitutionally, and judicially recognized principle that the jury should be a cross section of the community, deprives the jury system of a vast source of able jurors, and discourages those of our youth who seek justice through the established order rather than through violence and disobedience of the law.

We can and we must demand that all our citizens, and particularly our young people, accept the responsibility for their own actions. And an essential part of that responsibility is the acceptance of the right and the burden to render judgment on their peers.

Frankly, I have no doubt that the failure of the Congress to act in this matter would confront our courts with a monumental task, for it is my belief that the right to vote must constitutionally carry with it the right and the duty of jury service. Challenges to the constitutionality of exclusion of 18-year-olds from Federal juries have already begun. If, as may happen, such a challenge were to succeed, hundreds of judicial decisions could be called into question. Surely it is better for Congress to accept its legislative responsibility by enacting this bill and establishing a date for its effectiveness which will enable a smooth transition, than to pass the job on to our overburdened court.

These arguments apply with even greater force when we look at the criminal justice system in this country. Today an 18-year-old is tried as an adult in the Federal courts and in the courts of 49 States; 18.3 percent of all defendants convicted in the Federal courts in 1969 were 21 years of age or younger. In my State of California in the Federal court in San Diego, 25.2 percent of all convictions were of persons in that age group. In other areas the proportion is even higher. In the Federal district court in Montana in 1969, 49.2 percent of all convicted defendants were 21 years old or younger. In Colorado and New Mexico, the figure was 41 percent, and in numerous other Federal courts the numbers ranged from 20 to 37 percent. To put those figures in perspective, however, and in fairness to the vast majority of our young people, it is important to note that out of the more than 11 million young people 18 to 21 years of age in this country, less than 4,000 were convicted of any offense in the entire Federal court system in 1969.

In its 1971 report on lowering the voting age to 18, the Senate Judiciary Committee observed that—

> It is difficult to justify holding a person legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth.

That same statement applies with even greater force to the jury system. Respect for the law and the judicial system of our Nation is founded upon participation in the making and enforcement of those laws.

There is finally a very pragmatic reason for the adoption of this bill which I mentioned earlier. The entire Federal jury selection process is based upon the use of voter registration lists. Yet, with the lowering of the voting age to 18, such lists can no longer be the basis for the selection process unless the minimum age for jury service is once again made to correspond with the minimum age for voting. Thus, unless we now proceed to equate once more the right to vote with the obligation of jury service, the Federal judicial system will have to construct an entirely new and artificial registration system for selection of Federal juries. For this reason the bill which we introduce today will avoid an administrative nightmare of huge proportions. At a time when we are seeking every possible way to reduce the administrative burdens on our court system and streamline judicial process, we can ill afford to saddle them with additional and needless burdens.

I have sought advice on this bill from the Administrative Office of the U.S. Courts, the agency responsible for administering the Federal judicial system, and I ask unanimous consent that a letter from Mr. Norbert A. Halloran, Acting Chief of the Division of Procedural Studies and Statistics of the Administrative Office be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. TUNNEY. Mr. President, in his letter, Mr. Halloran describes the present operation of the Federal jury system and the benefits to the administration of that system from the adoption of our bill. Citing the efforts of the Administrative Office to automate the difficult process of random selection of jurors from registration lists, the letter states:

> Because of these developments there is a particular advantage to federal jury administration if the requirements for a person's eligibility to serve on a federal jury coincide with those of eligibility to register as a voter . . .
>
> To summarize the administrative arguments in favor of reducing juror eligibility to age 18: (1) it would permit the federal courts to take maximum advantage of computer-readable voter files in further automation of jury clerical work; and (2) it would permit the courts to continue, what they now do, to make a straight forward use of the entire voter name source—free of need for clerical screening complications, and free of concern for legal challenges to the fairness of the name selection methodology.

Thus, adoption of our bill will enable the Administrative Office of the U.S. Courts to continue with its very promising project to enable the Federal courts to prepare random selection lists by automatic data processing. Through the programing of voter registration lists, the Federal district courts will be able to reduce tremendously the time and manpower required to list and summon persons for jury service. The success of this project could free administrative support for the more important task of assisting our Federal judges.

I might also add that an additional advantage of this bill is that it will increase the possibility that 21- and 22-year-old persons will have an opportunity to serve. The letter from the Administrative Office makes this point rather clearly:

> Finally, there is another name selection problem we are dealing with right now which might be alleviated if juror service age is dropped to 18.
>
> In our current jury wheel operation, the gestation period from the transfer of a person's name off a voter list until the person sits on a jury can be four years. It probably averages at least two years.
>
> As a consequence, the operating effect of today's system is that few if any 21 year olds get on juries, and very few 22 and 23 year olds. The small number of persons in the lower 20's who serve on juries is probably grossly out of proportion to the number of criminal defendants in these age groups who are being tried in our courts by juries of their "peers."
>
> In our opinion, a change in the law whereby names of potential jurors as young as 18 were to start moving into the jury wheels would not begin to put 18 year olds in jury boxes as much as it would tend to increase the appearance on juries of 21 and 22 year olds, persons who under the present law are eligible to serve but aren't being summoned in very large numbers because of the slow moving mechanics of the system.

Mr. President, thus, this bill in fact will assist in bringing into service persons already eligible for jury duty.

For all of these reasons, and most important, for the sake of justice for all our citizens, we should move swiftly to enact this legislation. Congress has an opportunity with this bill to act in a most responsible fashion to avoid the chaos which will surely result from forcing our courts to legislate this question and to bring our young people fully into political society.

Mr. President, I would like to say how pleased and honored I am to have the senior Senator from Michigan (Mr. HART) and the senior Senator from Maryland (Mr. MATHIAS) join in introducing this bill today. The long and distinguished records of these able men are shining examples of the greatness which we find in the Senate today. Senator HART's great dedication to the cause of justice for all members of our society is a source of inspiration. His leadership in the fight for civil rights, most recently to assure full enforcement of the Voting Rights Act, is known to all. His strong support for the 18-year-old vote was no small factor in its adoption. I am deeply honored to be in his company on this bill.

I am equally honored to stand with the senior Senator from Maryland (Mr. MATHIAS) on this bill. His distinguished record of service on the Judiciary Committee has earned him the wide respect of our colleagues of both parties. His fairness and wisdom have been apparent time and again in committee and on the floor of the Senate, and it is a measure of his dedication to civil rights and civil

justice that he has joined in introducing this bill:

EXHIBIT 1

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., May 21, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: There would appear to be administrative advantages to the federal judiciary if the age of eligibility for jury service is reduced to 18.

The Jury Selection Act of 1968 provides that the master jury wheels of United States courts must be stocked with names taken from state voter registration rolls. State and county officials are required by the Act to furnish clerks of the court with facsimile copies of their voter registers.

Each U.S. district clerk of court creates a master jury wheel from names off the county voter registers of his judicial district. The quantity of names taken is dictated by the district's jury plan and is based largely on what the master wheel must contain to yield enough qualified jurors to satisfy the court's needs for two to four years. Names are selected from voter registers according to prescribed formula whereby the number of names drawn will spread evenly throughout the register and the geographic area it represents.

These selection formulas are essentially no more than ratios of names drawn versus not drawn. However, they have the effect, in many regions of the country, of making the name selection process extremely tedious and time consuming. This is because the clerks must physically count every name on the voter register. In other words, if one name in a hundred is being removed the clerk must count each of the 99 that are skipped to reach the 100th that is to be selected.

This difficult clerical operation has been automated in 8 to 10 of our large U.S. courts. Mechanization was feasible because state or county government in these districts had automated the voter registration records, and were able to furnish their voter lists on magnetic tape.

Through computer programming and services these district courts now use the computer to not only select names from the voter lists and the jury wheels but to address juror questionnaires, summonses, index cards, and pay vouchers.

Most state and county governments are moving ahead with use of computers and more modern recordskeeping systems including the automation of voter registrations. More than half the metropolitan counties in the country have either computerized their voter records or are planning to do so.

Wherever we find that more than half of the voter registrants, in the counties of a federal district, have been recorded on electronic data files we know we can economically mechanize the district's juror selection system. Over the next decade we estimate that this will be accomplished in at least another 25 of our federal courts.

Because of these developments there is a particular advantage to federal jury administration if the requirements for a person's eligibility to serve on a federal jury coincide with those of eligibility to register as a voter.

This is not to say that we could not, technically at least, continue to use state voter lists even though they included names of persons under 21 (while the juror age limits stayed at 21). However, this would require an added effort and expense of asking juror candidates for age information and then screening out those persons under 21 at the point where their questionnaires are reviewed for qualification factors. An age screening could not be made at the time names are taken from voter registers because these records do not uniformly display or even provide age information.

Conceivably, some significant questions of the fairness, propriety, and even the legality of the method of selecting juror names could come up. For example; should names of persons a certain number of which are known to be ineligible because of age even go into a master wheel. In other words, suppose the master jury wheel is filled with names, an unknown quantity of which are ineligible because they are under the qualifying age of 21. To the extent that such names are placed in the master jury wheel they preempt an equivalent number of eligible persons (21 or over) from an opportunity to be drawn and considered for jury service. It might be argued that jury lists couldn't be used unless registrants age was shown and the selection system precluded the removal of under-age persons for jury wheel needs. A requirement such as this would add to the difficulties of the clerical function, and detract from the random-cross sectional provision of the Jury Selection Act.

More importantly, a young person whose name got selected for the master wheel but later was disqualified on the age factor, would have had the mathematical odds reduced of his being selected again and afforded an opportunity to serve. In other words legal questions about the courts' failure to attain maximum humanely controllable system fairness could be raised.

To summarize the administrative arguments in favor of reducing juror eligibility to age 18: (1) it would permit the federal courts to take maximum advantage of computer-readable voter files in further automation of jury clerical work; and (2) it would permit the courts to continue, what they now do, to make a straight forward use of the entire voter name source—free of need for clerical screening complications, and free of concern for legal challenges to the fairness of the name selection methodology.

Finally, there is another name selection problem we are dealing with right now which might be alleviated if juror service age is dropped to 18.

In our current jury wheel operation, the gestation period from the transfer of a person's name off a voter list until the person sits on a jury can be four years. It probably averages at least two years.

As a consequence, the operating effect of today's system is that few if any 21 year olds get on juries, and very few 22 or 23 year olds. The small number of persons in the lower 20's who serve on juries is probably grossly out of proportion to the number of criminal defendants in these age groups who are being tried in our courts by juries of their "peers".

In our opinion, a change in the law whereby names of potential jurors as young as 18 were to start moving into the jury wheels would not begin to put 18 year olds in jury boxes as much as it would tend to increase the appearance on juries of 21 and 22 year olds, persons who under the present law are eligible to serve but aren't being summoned in very large numbers because of the slow moving mechanics of the system.

Sincerely yours,

NORBERT A. HALLORAN,
Acting Chief, Division of Procedural Studies and Statistics.

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Michigan (Mr. HART) for not to exceed 15 minutes.

Mr. HART. Mr. President, I rise first to thank our able colleague from California for his kind comments.

More importantly, I am delighted this morning to join him and the Senator from Maryland (Mr. MATHIAS) in an effort to extend the opportunity for Federal jury service to American citizens between the ages of 18 and 21 years.

I have listened to the remarks of the Senator from California and I was struck by the thoroughness with which he stated the facts and set out the figures and mechanical details. Certainly, there is no need to plow that ground again. It was most effectively staked out.

All who read this RECORD, including those who, by reason of other assignments have not yet given much thought to this problem, will find in his remarks the basic facts on which we assert this claim for the 18-, 19-, and 20-year-olds in this country.

Like the 18-year-old vote, a lower minimum age of Federal jurors has the compelling force, for me at least, of still one more idea whose time has come.

I strongly supported the 18-year-old vote for the reasons eloquently presented by my colleagues and other witnesses in the thorough hearings held by the Subcommittee on Constitutional Amendments of the Committee on the Judiciary. That testimony to the intelligence, awareness, social spirit, and maturity of our young adults can be boiled down to this: the 18-, 19-, and 20-year-olds of our country are ready, willing, and able to fulfill the duties of citizenship, responsibly and thoughtfully.

It is equally in our interest and theirs to afford them that opportunity in the halls of justice as well as at the polls. There are many common threads between the jury box and the ballot box, Mr. President. A man called upon to choose our laws—by supporting candidates or by communicating with his representative—should also be able to participate in the enforcement and application of those laws.

Moreover, the tasks are not fundamentally dissimilar. Ultimately, in both cases, the citizen is asked to weigh the pertinent facts, evaluate the human factors involved, and to make judgments among competing claims against the broader framework of the common good.

There are other, particularly strong equities favoring a lower juror age. Young men and women between 18 and 21 are subject to criminal prosecution in Federal court, yet are denied participation in the determination of guilt or innocence. In Detroit last year, over one-eighth of those convicted were in this age group and in other States the figures are much higher.

Yet the touchstone of our trial by jury system is surely the basic right to a trial by one's peers. Our able colleague from California has made that strikingly clear. We in Congress has shown great concern for that right. In 1968 when the Federal Jury Selection and Service Act was passed, Congress said:

It is the policy of the United States that all litigants (let me repeat, Mr. President, *"all litigants,"*) in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes.

We did not then lower the juror age, but I think further reflection upon our aims in light of other actions we have taken requires that we do so now.

Today, young people represent a distinctive segment of our adult population which deserves greater recognition. If anything, we should not continue to exclude them from this crucial legal process. My family, I might add, certainly feels that my generation is a distinctive segment of our society, but they have not sought to exclude those over 50 from the jury rolls. At least not yet.

Is it any fairer to make a 19-year-old face trial before a jury from which his peers have been excluded than it would be to make an older man face trial on a charge of so-called white collar crime from which all businessmen between the ages of 30 and 50 had been excluded? We would certainly hear lots of screams and wails if that should be proposed. We should be equally mindful of the consequences upon the 18-, 19-, and 20-year-olds, who go before a Federal court and find that their peers are not seated on that jury and have not even had their names placed in the jury box.

As for an objection we may hear that these young adults are too immature to pass judgment on weighty criminal and civil matters, let me cite my testimony on a similar point before the Subcommittee on Constitutonal Amendments:

Opponents of the eighteen year old vote may concede that today's youth are well educated and eager to be heard. "But," they maintain, "that does not ensure mature judgment; youth is impetuous."

These critics should remember that eighteen and nineteen year olds hold no monopoly on rash judgments, biases or emotionalism in the political arena. While at my age I would hardly disdain the value of experience, anyone familiar with the hurly-burly of election campaigns must admit that calm reflection colored by one's experience is not always the hallmark of the voting process.

Moreover, for the reasons I have already mentioned, our youth are increasingly capable of perceptively appraising the candidates.

I am equally confident today that these young men and women are also competent perceptively to appraise testimony and sit in judgment upon their fellow citizens.

This segment of our citizen family has a very keen ear for falsehood, a very sharp litmus test on hypocrisy—to a degree sometimes embarrassing to some of their elders—their commitment to truth, insistence upon justice, and disdain for weak excuses would heighten the quality and improve the performance of any jury.

Their addition to the jury rolls will, I predict, infuse new vigor in our Federal trial system and new confidence in it among the more helpless elements of our society who now despair of "working within the system."

Mr. President, I hope my colleagues will act promptly and favorably on this measure.

I close as I opened, Mr. President. The leadership in this effort most appropriately has been undertaken by the Senator from California, who, while possessed of a significant record already in the Congress, is still close enough to the 18-, 19-, and 20-year-old age bracket to sense the necessity that we respond in the fashion he proposes.

When they get around to writing the history of the significant legislative advances, I have no doubt that note will be taken that it was JOHN TUNNEY, a young and effective voice, who first brought this appeal of younger Americans to the attention of the Senate, and I am delighted to be able to join him this morning.

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

Mr. HART. I yield.

Mr. TUNNEY. I want to thank the Senator from Michigan for his very, very kind words concerning me, but I think when history is written it will be noted that the senior Senator from Michigan, at the very young age of 58—has shown that he has the idealism and compassion of an 18-year-old.

Mr. HART. I will take that home to eight children and ask them to read it.

Mr. MATHIAS. Mr. President, the court in many ways is a reflection of our society. It was not too long ago that black and red faces were nowhere to be found either on the jury or in the plaintiff's chair. The courtroom mirrors the latent hostility of the outside world—the freedom to exchange one's true feelings are submerged for the benefit of tradition and formality. Until lately, "the king can do no wrong" was the password for the judicial exclusion of governments and their representatives. The examples are numerous.

We look to our courts and we see for the most part youthful and young defendants and yet we look to our juries and we see no young members. And yet we claim to have a system of jurisprudence based upon trial by one's peers. Could this be the exception rather than the rule?

In the court and outside its arena we judge our youth but have forbidden them to judge us or themselves. We ask them to listen to us and yet we do not allow them to sit beside us in order to listen to others. We look at their seemingly odd values as outsiders yet adjudge their actions as insiders within the courtroom. We scorn their criticism and rejection of some government actions and yet we do not permit them to lawfully judge the government in the arena of the courtroom.

The unilateral adjudication of our youth has come to an end with the extension of the vote to Americans who attain their 18th birthday. We gave them the right to choose and the freedom of choice. Jury lists and voter lists traditionally coincide. We must now clarify their right to judge and permit them to sit on Federal juries.

Today, along with my distinguished colleagues Mr. TUNNEY and Mr. HART, I introduced a bill which will accomplish precisely that objective—it will confirm to 18-year-olds the right of voters to sit on Federal juries.

We can no longer tolerate the double standard, the inequities, of one group's incurring the liabilities of citizenship—the draft—and yet not being able to benefit from all its privileges—the right to judge. Those who are not allowed to sit in judgment of others have given their lives in order that we may exercise that privilege. Let us now make the ultimate judgment and allow these leaders of tomorrow to sit beside us as our peers of today.

We speak often in terms of peaceful change and demand our youth use the established channels to redress their grievances. If the only time they see or encounter a courtroom is when they are hauled into court as defendants, we cannot realistically expect them to look to our courts as one of these channels of responsive change. By encouraging the use of the vote, the voice, and the pen, we will ultimately solve the problem of violence and disorder in America.

I look to the youth of America to channel their energies and talents toward the enactment of this landmark bill.

By Mr. BYRD of Virginia:

S. 1976. A bill relating to salaries paid justices and judges appointed for 8-year terms who are not reconfirmed; and

S.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years. Referred to the Committee on the Judiciary.

RECONFIRMATION BY THE SENATE OF FEDERAL JUDGES

Mr. BYRD of Virginia. Mr. President, I am today introducing a joint resolution proposing an amendment to the Constitution of the United States which would provide that all Federal judges be subject to reconfirmation by the Senate after a term of 8 years in office.

Federal judges are appointed for life. They are accountable to no one.

It is time that we restored balance in the Government by making Federal judges more responsible to the people.

In recent years the Federal courts have assumed unto themselves more and more power—power which under the Constitution, was reserved to the executive, the legislature, the States, and the people themselves.

This misuse of power was not envisioned by the founder of this Republic. I believe that it is time that the judiciary be made, once more, a coequal branch of the Government, rather than the self-appointed supervisor of every aspect of our country's existence.

Today, we find the executive branch and the Supreme Court assuming more

and more power, and the elected representatives of the people having less and less power. Part of this clearly is the fault of Congress for not facing its responsibilities.

If representative government is to continue, if our democratic processes are to have the meaning intended by the Constitution, then this imbalance must be corrected—and now.

Mr. President, this amendment is being introduced after long deliberation on my part. I have enormous respect for the men who drafted our Constitution 184 years ago. I believe that, had the Supreme Court followed the role designed for it by those framers of the Constitution, an amendment such as this would be unnecessary.

A careful review of the debates of the Constitutional Convention makes clear several points. First, the Convention was unanimous in its desire that the Federal courts should be an independent branch of the Government. Thus, provision was made for lifetime appointments, limited only by good behavior.

Second, it is obvious that the men who drafted the article on the judiciary never for a moment intended that the courts should attempt to act as a legislative body in seeking solutions to every social problem facing this country. In discussing the scope of judicial authority, not even the strongest of the Federalists ever suggested that the Federal courts should, or could, extend Federal law into the domain reserved for the States and the legislative branch of Government.

Third, by specifically refusing to allow Congress the power to remove judges from the Bench, except by the very difficult route of impeachment, the Convention placed the disciplining of the courts into the hands of the individual judges.

For the better part of this Republic's existence, the unwritten canon of judicial restraint, as expressed by such great Justices as Holmes, Brandeis, Stone, Hughes, Cardozo, and Frankfurter, was one of our most hallowed legal principles.

In furtherance of that doctrine, the Supreme Court enunciated several rules: The Court refused to pass on political questions; it deferred to State common law principles; it refused to enunciate constitutional rulings, unless absolutely necessary; it refused to rule upon moot questions; it deferred to a State's interpretation of its own constitution and statutes; and it strictly interpreted the rules concerning "standing" to bring a lawsuit.

In recent years the Federal courts have ignored or discarded each of these wise doctrines. Now the Court, acting under the premise that the Constitution is whatever the Judges say it is, has plunged into what its admirers like to call a "revolution."

Prayer has been swept from our schools; the historic right of a legislature to redistrict itself has been abolished; the fourth amendment search and seizure provisions have been rewritten; sociology treatises have replaced the common law; the commerce clause has been tortured into meaninglessness; the traditional equity powers have been enlarged to allow rule by judicial fiat.

Judicial theories on welfare have supplanted State law: only recently State welfare residency requirements were invalidated because they clashed with the Justices' concepts on social reform.

The enormous expansion of Federal habeas corpus has subjected every State criminal conviction to Federal scrutiny and has been responsible for the fact that there is no longer any finality in criminal law.

In the Miranda decision, the Court imposed its own idea of law-enforcement tactics and replaced the longstanding test of the constitutionality of criminal confessions.

One of the greatest scholars of the modern judiciary recognized the Court's unique position in our governmental arrangement. Dissenting in the reapportionment decision, Baker against Carr, Mr. Justice Frankfurter stated:

> The court's authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction.

Mr. Justice Frankfurter's views on judicial self-restraint, if adhered to, would have precluded much of the criticism suffered by the Court.

Unfortunately, the era of judicial self-restraint appears to be over. The tragic result of this is that the judiciary, accountable to no one, has run rampant in asserting its authority over the daily lives of all Americans.

It was never intended that the Federal judiciary should have the power to rewrite the Constitution. Chief Justice Marshall, one of the great activists of the Court, stated:

> It is a Constitution we are expounding.

He did not use the word "expanding."

I believe, as did Mr. Justice Cardozo, that—

> Justices are not commissioned to make and unmake rules at pleasure, in accordance with changing views of expediency or wisdom.

I believe, as Mr. Justice Frankfurter asserted, that the Court should not repudiate "the experience of our whole past in asserting destructively novel judicial power."

Mr. Justice Holmes asserted that Supreme Court Justices must be careful not to let the Constitution become the mere partisan of their own set of ethical or economic principles.

If the Justices are permitted to substitute their personal sense of justice for rules of law, the reign of law will end, Mr. Justice Cardozo noted, and the rule of benevolent despots will begin.

Is not that about where we find ourselves today?

Thomas Jefferson recognized the danger of government by men rather than by laws when he counseled:

> In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Our constitutional system is based upon a respect for the rights of the individual. But it is a logical inconsistency and a social impossibility for every individual to have unlimited rights against all other individuals.

Only with the restraint of law impartially applied, can there be justice, tranquility, welfare and freedom for all. And respect for the law in a democracy is a respect for justice, tranquility, welfare, and freedom.

In recent times, however, we find that respect for the law has been eroded.

One of the factors which has contributed to this decline of respect for law and order has been the recent trend of decisions rendered by the Supreme Court.

Too often the hallmark of the modern court has been the voice of power, not the voice of reason.

Listen to a present member of the Supreme Court, Mr. Justice Harlan:

> This Court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it (the Court).

The court-created revolution which began in the Supreme Court, has permeated the lower Federal courts. The flagrant abuse of injunctive powers of Federal district judges, has grown over the last few years to the point where, in each section of our country, the daily lives of the citizens are subject to regulations by single Federal district judges.

These men have, in many cases—not all of them, but many of them—arrogantly assumed unto themselves the prerogatives of lords of the middle ages. Nothing in our system at present exists to control these judges. Their passions of the moment are totally unrestrained, even by the collective wisdom of fellow judges.

In case after case, local Federal district judges have taken it upon themselves to intervene in areas set aside by the Constitution for State and local action. They have interfered with the operation of schools and universities. They have set forth detailed regulations for the administration of State penal facilities; they have dictated to local school boards, and, in some areas, they have even gone so far as to suggest that local governing bodies should make appropriations of moneys for projects which the judges feel are necessary.

Only recently a Federal court ordered a State to forgo the election of local officers—even when this issue never had been presented to the court by any of the parties involved.

At least one Federal judge has stated that he is contemplating the consolidation of the school systems of two counties and one city.

If this can be done, what is to prevent the judicial enforcement of total mergers of cities and counties?

No one has expressed the problem of the judiciary better than Mr. Justice Harlan, dissenting in the decision which overturned both State and Federal welfare residency laws, when he stated:

Today's decision, it seems to me, reflects to an unusual degree, the current notion that this Court possesses a peculiar wisdom all its own, whose capacity to lead the nation out of its present troubles is contained only by the limits of judicial ingenuity in contriving new Constitutional principles to meet each problem as it arises.

Mr. President, when the Federal courts have cast aside the bonds of self-restraint and have taken it upon themselves to legislate, the hour has come for the legislative branch of this Government to assert itself, and bring the Court back into line with the original desires of the drafters of the Constitution.

While I fully support the concept of an independent judiciary within our three branches of Government, the present system of lifetime appointments is not in the best interests of this country.

The process of removal by impeachment will not answer the problems presented by a court which has established itself as a superlegislature.

The amendment which I have just introduced provides a method by which the Supreme Court of the United States, and other Federal courts, might be made more accountable to the people.

It states that judges could serve in office for a term of 8 years, at the end of which term they would be automatically nominated for reconfirmation by the Senate. If reconfirmed by the Senate, they would continue to serve for another 8 years.

Of course, this amendment contains the standard "grandfather clause" and would not apply to judges who are presently sitting.

For many years, in the Commonwealth of Virginia, we have had a system by which the entire judiciary has served for a fixed term, renewable by the General Assembly of Virginia. This system has served Virginia well and I see no reason why it should not work equally well in the Nation.

Mr. President, now is the time to consider the question of lifetime appointment of Federal judges. Too many of these judges have come to ignore all of the principles of judicial self-restraint. This has been recognized even by members of the court itself.

Mr. Justice Harlan, in June 1969, stated:

Swept up in a Constitutional revolution of its own making, the Court has a tendency to lose sight of the principles that have traditionally defined and limited its role in our political system.

Since it is impossible, by an amendment to the Constitution, to restore the time-honored doctrine of judicial self-restraint, the amendment which I have introduced will provide the people, through the Senate, an opportunity to review, every 8 years, the actions of individual judges.

This period of time is long enough for the decisions of that judge to be weighed as a whole. There is little danger that the Senate might be influenced by any single decision. The length of the term and the makeup of the Senate should preclude the injection of partisan politics into the decision as to whether a judge should be reconfirmed.

There would be no chance that the renomination would be subject to a filibuster, since the amendment provides that the judge would remain in office until the Senate reached a decision.

In order that the financial independence of the judiciary might be maintained, I propose that if a judge were not reconfirmed, he would be retired at full pay. As a companion to my constitutional amendment, I am introducing a bill to that effect.

Mr. President, I feel that the people of the United States, through their power to ratify amendments to the Constitution, should be given an opportunity to express their views as to whether Federal judges should be made more responsible to the people.

Mr. President, I send to the desk for appropriate reference a joint resolution proposing an amendment to the Constitution with respect to the reconfirmation of judges after a term of 8 years.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. BYRD of Virginia. I also send to the desk for appropriate reference a bill relating to salaries paid justices and judges appointed for 8-year terms who are not reconfirmed by the Senate.

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

Mr. BYRD of Virginia. I ask unanimous consent that the joint resolution and the bill be printed in the RECORD at this point.

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

S.J. RES. 106

Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of eight years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of article III of the Constitution, each judge of the Supreme Court and each judge of an inferior court established by Congress under section 1 of article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that judge requests that his nomination not be so placed. Any judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

"SEC. 2. The terms of office established by section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent."

S. 1976

A bill relating to salaries paid justices and judges appointed for eight-year terms who are not reconfirmed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 371 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Any justice or judge of the United States appointed to hold office during good behavior for a term of eight years whose nomination for an additional eight years is not advised and consented to by the Senate, shall continue to receive during the remainder of his lifetime the salary of that office."

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1977. A bill to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

OREGON DUNES NATIONAL RECREATION AREA

Mr. HATFIELD. Mr. President, last year my colleague from Oregon (Mr. PACKWOOD) and I introduced S. 3701 which would have established the Oregon Dunes National Recreation Area. Congressman JOHN DELLENBACK, representing Oregon's Fourth Congressional District, introduced identical legislation in the House.

The House Interior and Insular Affairs Committee, of which Congressman DELLENBACK is now a member held field hearings on this bill last year in Florence, Oreg. We all know how difficult it is to schedule field hearings with the limited resources available and the many pressures for them. I think the face that these hearings were held is testimony to the high esteem in which Members of the House hold Congressman DELLENBACK.

This year I am introducing a modified version of last year's bill. My colleague from Oregon (Mr. PACKWOOD) is joining me in this effort. Congressman DELLENBACK has introduced identical legislation in the House, and it is our feeling that last year's field hearings are adequate for this new bill.

Mr. President, as our country's population continues to expand at an alarming rate, as our cities become increasingly crowded and living conditions for the vast majority of Americans suffer because there are just too many people, automobiles, and ribbons of concrete and steel around us, the need for an occassional escape becomes critical.

From time to time, the Congress of the United States has recognized this need,

and established national parks and wilderness and recreation areas for present and future generations to enjoy. Man must be able to breathe clean air, swim in unpolluted water, picnic and camp in our magnificent forests, or enjoy the solitude of a desolate beach.

The typical American citizen is becoming even more conscious of his environment and of the need to set aside certain areas throughout the country for the purposes just described. State and local governments have responded to this awakening and have taken the initiative by establishing parks, campgrounds, and manmade lakes. In Oregon, the State parks are recognized as among the finest in the country. Concerned citizens throughout the land have realized that government at all levels must act soon, if we are to preserve enough areas to meet the recreation and other needs of future generations.

Briefly, this bill calls for administration of the area by the U.S. Forest Service in cooperation with State and local governments. The Forest Service has given its assurance that it stands ready to assume the responsibility of administering the Oregon Dunes National Recreation Area in accordance with the provisions of the bill and with the national recreation area concept. The Forest Service presently holds title to 18,290 acres of this 32,262-acre plan. It has had considerable experience in the administration of recreation areas and will move to accommodate the potential of the dunes area through the development of needed roads, recreation trails, parking facilities, beach developments, camp and picnic grounds, interpretive services, and sanitary facilities. The bill is strongly and widely supported in Oregon.

The changes in the language of this bill serve to "tighten up" the management provisions of the bill. The two major changes are the prohibition of mining in this area and the creation of an advisory council, including both local and national representation.

Mr. President, I believe it is imperative that this Congress move quickly and enact this legislation.

Let me assure my colleagues in this great body that I am not crying wolf. Commercial interests in and out of the State of Oregon have been eyeing the dunes area and have even formulated plans calling for major commercial development. Surely this kind of development would prove incompatible with the recreation area concept. Land developers have watched this area for 10 years and could move in if we do not take action.

I ask unanimous consent that two examples of testimony given at the field hearings be included in the record. The first of these was given by Mr. William Hardy, chairman of the Lower Umpqua Chamber of Commerce. The second is the statement of Mr. Larry Williams, chairman of the Oregon Environmental Council. I might add that several of the changes proposed by Mr. Williams are included in this new bill.

I also ask that Senator PACKWOOD's statement be included in the RECORD at this point.

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

TESTIMONY GIVEN BY MR. WILLIAM HARDY

Honorable Chairman and members of the Committee: My name is William Hardy, and I am representing the Lower Umpqua Chamber of Commerce. We endorse wholeheartedly H.R. 778 and the companion Senate measure S.B. 3710 creating an Oregon Dunes National Recreation Area to be developed and administered under the jurisdiction of the U.S. Forest Service, Department of Agriculture. We believe that the best interests of our communities, and the region, State and Nation will be served by the balanced management explicit in the measure.

Our reasons for supporting the present program for the 32,403 acres embraced by the coastal strip of seashore, sand dunes, fresh water lakes and estuary frontage are many fold, and have been discussed in public and private conferences for many years. We did not arrive at our present position impulsively, but after much pro and con debate over various Oregon dunes proposals. We believe that the measure now proposed represents mature and balanced thinking, reflecting a synthesis of the various viewpoints involved in this important land use policy decision.

The men and women in our communities whose day to day lives are concerned with basic bread-and-butter realize the importance of diversity in the economic pattern of our area communities. We are committed, not by theory or rhetoric but by necessity, to an appreciation of the multiple use concept of management of our land. We believe that the Oregon Dunes Recreational Area proposal expresses such a concept in a practical, commuity-serving way. As an organization committed to the betterment of our area, we know that payroll diversity will be fostered by the enactment of this measure.

The U.S. Forest Service has held in abeyance a program of development of the Coastal area which will be of immense and immediate benefit to our communities. We believe that their hands and finances should be freed, so that isolated and underdeveloped recreation benefits can be made available. Each summer, we have seen hundreds of vacationers and week-end recreation-seekers turned away from crowded camp grounds, picnic areas, boat basins. We have seen existing facilities threatended with over-crowding which will defeat the very purpose of such facilities and turn outdoor recreation areas into outdoor slums.

We believe that the Oregon Dunes Recreation area under the experienced and skilled management of the U.S. Forest Service will give order and unity to the various local, County, State and Federal recreation provisions. Cooperation in regulation and the maintenance of order will be encouraged.

Finally, we are proud of our coastal area—as proud as Chambers of Commerce are traditionally proud of their communities. We who live here long have taken for granted the enjoyment and enrichment which we find in our magnificent shoreline, our sand dunes, our rivers and lakes. Now we know that the time is at hand for insuring the perpetuation of these values, and for making them available to our fellow citizens of today . . . and secure as the heritage of future generations.

We thank you for the opportunity to take part in this hearing, which we hope will move conclusively toward the enactment of the measure which will create and perpetuate the Oregon Dunes National Recreation Area.

TESTIMONY OF THE OREGON ENVIRONMENTAL COUNCIL ON HOUSE BILL H.R. 778 TO CREATE AN OREGON DUNES NATIONAL RECREATION AREA

(Presented to the House Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, Florence, Oregon, August 28, 1970, by Lawrence F. Williams)

I am Lawrence F. Williams, Executive Director of the Oregon Environmental Council. Our office is located at 1238 N. W. Glisan, Portland, Oregon. The Oregon Environmental Council is a coalition of individual citizens and thirty-seven planning, sportsman, and conservation organizations, with a combined membership of approximately 150 thousand Oregonians.

The Oregon Dunes have long been recognized as a valuable scenic resource which need and deserve Congressional protection. Thanks to the continued support of Congressman Taylor's Committee and the effective support of Congressman John Dellenback we may well see this Bill become law before Congress adjourns.

The Oregon Environmental Council has carefully reviewed the management and development plans as proposed by the U.S. Forest Service. Their proposal plans reflect a sensitivity to the delicate nature of the dunes environment. We are confident that the dunes will be properly managed under their guidance.

Even though the OEC supports H.R. 778 in principle, we do have some recommendations to offer concerning the wording of Sections 2, 3, 10 and 11. The first two sections are extremely important because they set the management directions for the entire dunes area. We, therefore, wish to offer the following amendments and suggestions:

1. We quote Section 2 of the Bill:

"Sec. 2. The area delineated as the "Inland Sector" on the map referenced in section 1 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, water, and other properties within such sector as will protect and stabilize the scenic character of the dunes area and promote the optimum utilization of renewable resources of the area."

We ask that the last part of this section be amended to read as follows:

". . . . to promote such management and use of the lands, waters, and other properties within such sector as will protect the scenic character of the dunes area."

Our fear is that with the present wording of this section it could be interpreted that the intent of Congress is to encourage dunes stabilization and logging. We are sure that this is not the intention of either Congress or the Forest Service. We assume that this wording may have been placed in the Bill to provide for the utilization of the underground water resources. If this is the reason then we suggest that this section of the Bill be reworded so as to specifically make this allowance, provided that such water removal does not interfere with the ecology of the dunes. It may be well to establish the maximum daily water withdrawal in the Bill, after consultation with the State of Oregon.

2. We quote from Section 3, item number 3:

"(3) such management, utilization, or disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established."

This part again calls for the "utilization

or disposal of (the) natural resources". It is an affront to our sensibilities to see such wording in this Bill. We ask that item number 3 be deleted from the Bill. We have already covered the ground water problem in Section 2 and it is spelled out in Section 11(a) also. We, therefore, see no reason why the subject must be covered at this point again.

3. We have grave misgivings about Section 10 which authorizes mining within the Recreation Area. We must face up to what we are trying to accomplish here. If Congress is truly committed to the preservation of the Oregon Dunes, then let's say so loud and clear and strike all but the first sentence of this section.

4. We ask that the following words be added to the end of Section 11(a) regarding water rights from Tahkenitch and Siltcoos Lakes:

"Subject to such conditions as the Secretary may prescribe to protect the scenic and recreation values of the area."

5. We suggest that Section 11(b) be amended so as to add the following wording after the last line as follows:

"Provided that such effluent meets prevailing sewage and industrial waste standards as set by the Federal Government and by the State of Oregon."

6. In Section 11(c) we question the desirability of Congress authorizing International Paper Company, at Gardiner, perpetual easements for their waste disposal pipes across the Recreation Area. We, therefore, recommend that the words "in terms up to perpetuity" be striken from the Bill.

7. Apart from the wording of the Bill, we wish to recommend that in its report that Threemile Lake be kept without road access for hiking and camping.

8. We ask that this Committee also suggest in its report that the Coast Guard's telephone poles, which march up the coast just east of the vegetation line for the whole length of the Recreation Area, be cut down. Their complete removal from the area would be recommended where such removal will not further damage the landscape.

9. Further, we urge that the Committee recommend that sections of land be acquired on the east side of Tahkenitch Lake for boating access only.

10. We wish to conclude by urging the State of Oregon to allow the Recreation Area boundaries to incorporate the area between the vegetation line and the extreme low tide. The State will lose no control of its beaches and will instead gain the financial and physical assistance it so much needs in maintaining this long stretch of beach.

Even though our suggestions are many, we feel that the Bill does have many good aspects and deserves our support. We urge this Committee to favor the passage of H.R. 778 with our proposed amendments.

We thank this Committee for taking the time to come West to hold hearings on the Oregon Dunes.

Thank you, Mr. Chairman.

STATEMENT BY SENATOR PACKWOOD

Mr. President, I am pleased to join with my colleague, Senator Hatfield, in introducing a bill to establish the Oregon Dunes National Recreation Area in the State of Oregon. This bill was introduced on the House side last Thursday by Congressman John Dellenback, and is H.R. 8763.

Mr. President, Oregonians have been seeking to preserve this magnificent area for years, and I believe that now this goal is achievable. And if it is achieved, the credit can go primarily to those Oregon conservationists who have labored so long and so diligently with this one purpose in mind—save the dunes! It is true that many of us as Senators and Congressmen have sought to have legislation passed to preserve the Oregon Dunes. Perhaps none of us have worked harder toward this end than Congressman John Dellenback.

As with any area in America that it seems wise to preserve for our future generations' use and enjoyment, there are always many recommendations and suggestions put forth on just what the best plan is. This is true of the Dunes. And I believe the air was cleared quite a bit during the hearing held in Florence, Oregon by the House sub-committee last year.

Mr. President, it will indeed be credit to this Congress, and a 'win' for both Oregon and the nation, if we once and for all end this long waiting period and pass the bill that Senator Hatfield and I are co-sponsoring in the Senate today, and which Congressman Dellenback has introduced in the House.

By Mr. HATFIELD:

S. 1979. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, the idea of children growing up in America without parents to mold their development has always been a concern of our country's leaders. In years past, they were alarmed at the seemingly large numbers of parentless children who were working in the textile mills and factories of the industrial revolution, even though numerous laws were passed to safeguard the welfare of the Nation's youth. This concern for the young of the country has continued with us and has also been expressed in the regulations governing adoption of children.

A traditional aspect of our continuing concern for the welfare of parentless children has been the stringent standards which must be met by people wishing to adopt children. When viewed as a means to assure that only the best treatment and care is available for them, this protective attitude is commendable. When seen as a prime cause of overcrowded orphanages and the numerous but disappointed adults denied the privilege of adoption, however, the same attitude deserves serious reexamination.

As an observer of the adoption process in this country for some time, I am pleased to report that many of the previously inflexible requirements which had to be met before adopting a child have been made somewhat less rigid. The result is that thousands of people who are fully qualified to raise children may now adopt them. Included among the newly "acceptable" people are couples where the mother works, couples somewhat older than allowed by previous rules, and couples who already have other children.

There still exists, however, a major barrier prohibiting many people who would make fine parents from adopting children. This is the formidable expense involved. A study commissioned by the Child Welfare League reveals that when the bill for placement, legal fees, and other expenses is added up, the prospective parents may end up paying as much as $5,000 to adopt a child. Given the current state of the economy, we can appreciate the number of fully qualified people who cannot adopt children because of the increasing cost.

The number of people trying to adopt a child nearly doubled from 1958 to 1967. When we realize, however, that the number of children eligible for adoption tripled during the same period, the importance of removing the financial barrier to adoption is apparent. That is the purpose of the bill I am introducing today. It will assist in removing this obstacle. Additional benefits also will accrue to the taxpayers, the personnel of the placement system, and the children themselves.

In the "President's Letter" in the fall of 1969, the Child Welfare League of America estimated the total cost to the State for each State-supported child at $40,000. As more children find suitable homes with parents, the total cost of supporting the State-dependent children will decrease accordingly, thus easing the taxpayers' burden of support.

It should also be pointed out that an income tax deduction for adoption expense will not increase public child welfare costs. The children involved are already supported fully by public funds and, if not adopted by their prospective parents, would need continued full support until they reached the age of majority. Moreover, financial circumstances of some families may improve markedly in the ensuing years. Considering the increased income tax to be paid later by such couples, a tax deduction to ease the initial financial burden of adoption becomes justified even more readily.

As the number of children supported by the State decreases, caseworkers within the placement system will be less overburdened and thus will be able to devote more time to individual children, especially those who are somewhat harder to place and stand the least chance of adoption under the present system.

And finally, the children themselves will be beneficiaries of such a tax deduction. The irony has been that many otherwise "adoptable" children have been made to go without the love and care of parents because of the tremendous cost of operating the bureaucratic machinery to provide them with the parents and homes they deserve.

This bill provides for a Federal income tax deduction to which all people adopting children will be entitled. The deduction will be equal to the sum of legal costs and fees, placement agency costs and fees charged the prospective parents, and expenses for medical care and attention to the extent required in connection with the child's adoption. Additionally, the Commissioner of the Internal Revenue Service may permit deductions for additional, adoption-connected expenses at his discretion. The maximum deduction allowable under this bill is $1,000.00. That would insure that deductions made in accordance with the scope of this bill would be made as an adjunct of assisting

the child and not merely as tax advantages.

Mr. President, with a sincere hope that this body will help make it easier for qualified adults to afford the adoption process, I send this bill to the desk and ask that it be appropriately referred.

By Mr. TAFT:

S. 1980. A bill to provide for a law enforcement trust fund. Referred to the Committee on the Judiciary.

LAW ENFORCEMENT TRUST FUND ACT

Mr. TAFT. Mr. President, those of us who are concerned with upgrading the standards of law enforcement recognize the need for broad public participation in this endeavor. In this context it occurs to me that a substantial number of Americans would like to personally contribute to the advancement of law enforcement other than by simply saying hello to the neighborhood policeman.

To afford a means for direct public support of law-enforcement activities I am today introducing for appropriate reference a bill to create a law enforcement trust fund. This trust fund would be administered by a board of trustees composed of the Attorney General, the Director of the FBI, and three other members appointed by the President. It would collect and receive gifts, bequests, and devises from members of the general public. Aside from a small appropriation made for the purpose of initiating the activities of the trust, its functions would be entirely undertaken through private contributions.

The trustees would be authorized to make grants for the purpose of furthering research in the field of law compliance, law enforcement, and criminal investigation. The trustees could also engage in law-enforcement projects of various kinds.

At a time when the need for public support of law enforcement activities is so great, I think that this trust would be a particularly appropriate endeavor.

By Mr. CRANSTON:

S. 1981. A bill to authorize the U.S. Commissioner of Education to establish consumer education programs. Referred to the Committee on Labor and Public Welfare.

CONSUMER EDUCATION ACT

Mr. CRANSTON. Mr. President, I introduce for reference to the appropriate committee, a bill to create a new Office of Consumer Education with authority to make up to $85 million in grants over the next 3 years to help schools teach young people how to spend money more wisely.

Consumer education courses could also serve the public as well as private interest by teaching youngsters how their buying and consuming habits can help combat pollution.

This bill could save consumers and the Federal Government millions of dollars a year. The Government now spends more than $200 million a year in consumer protection—including at least $25 million annually in legal actions alone—with hardly any of it going for consumer education.

Prevention counts for a lot more than cure in the consumer field. Once the buyer has wasted his money, it is generally too late for him to do anything about it. In most cases, he does not even realize that he has wasted his money.

The only thing resembling consumer education in most States are home economics courses, but only 35 percent of high school girls—and less than 1 percent of high school boys—take them.

Moreover, the consumer education aspect of home economics is narrowly limited to such things as nutrition and home budgeting. We desperately need specialized courses that deal extensively with such things as consumer purchasing of food, clothing, furniture, and appliances; the environmental effects of consumer decisions; purchasing and maintaining an automobile; apartment rental and home buying; short term consumer credit; budgetary and money management; fraud, quackery, and deception; banking and savings; investments; life and health insurance; consumer law, and social security, medicare and medicaid.

Illinois and Hawaii are the only States where such courses are required, and New York, New Jersey, Massachusetts, and Wisconsin are the only States where more than 5 percent of the high schools offer these courses on an elective basis.

The consumer needs to know that he is a part of the consumption process, that he is an individual that reacts in various ways, that he should react consciously with understanding that there are alternatives, that there are choices, that there are substitute courses of action, and that there are consequences for every one of them. All of this requires an awareness and an alertness to his consumer problems quite consistent with the level of his concern for his role as a producer.

The complexity and size of the marketplace today make it imperative that the consumer become better informed so as to better protect himself. The Government can not do the whole job for him; the consumer must have the information he needs to make wise decisions on his own.

Legal redress can only do so much to protect the consumer. Besides, law suits are expensive, time consuming, and they come into play only after the damage has already been done.

This bill would set up a separate Office of Consumer Education within HEW's Office of Education, with a director to be chosen by the Secretary of Health, Education, and Welfare in consultation with a newly created Council on Consumer Education.

The 21-member Council would be the only one of several within the Office of Education to have an independent staff of five—and an independent budget—of $250,000 a year. It would consist of State and local consumer protection people along with representatives from the Justice Department, the Food and Drug Administration, the Federal Trade Commission, HEW, and private consumer groups such as the Consumer's Federation of America.

The Council would be responsible for coordinating all Federal consumer education programs and would evaluate local school and adult education programs seeking grants.

Grant money, would be used to develop consumer education courses and to encourage their integration in elementary and high school curriculums and by the adult community. Money would also be used to develop teaching materials, such as textbooks and films, and to train teachers and community workers.

This bill provides for 100-percent Federal grants with no matching funds required from local school districts. In view of the fiscal crisis confronting most States and most school districts, I believe the Federal Government must give the local taxpayer all-out help.

Minigrants of up to $10,000 also would be available for innovative community consumer education programs, together with larger grants for other qualified adult projects, especially those aimed at people with little formal education.

The bill authorizes grants totaling $25 million each in fiscal 1972 and 1973, and $35 million in 1974.

Federal aid to high school home economics courses has amounted to $20 million annually for the past 3 years. That same amount is budgeted for fiscal 1972. California schools last year received $1,650,000 of these funds to support home economics classes in 274 of California's 365 secondary school districts.

In addition,, FDA will have spent $83 million on consumer protection this year; the Agriculture Department, $78 million—$4 million of it on lawsuits; FTC, $11 million—all of it on legal action; and $10 million by legal services program of the Office of Economic Opportunity—nearly 20 percent of its $53 million total budget.

Consumer complaints comprised 18 percent of the legal services case loan in 1970, when it handled 162,000 such cases.

The budget for the President's Adviser on Consumer Affairs is $815,000.

All of this adds up to nearly $200 million, and in addition, the Justice Department spends millions more a year on civil suits and antitrust actions in the consumer interest.

There is no question that we need additional protection and assistance for consumers, and this is available through the legislative process. Much has been done, but much more needs to be accomplished. But we cannot legislate everything. Along with the legislative effort we must have, and personally I believe that this is most critical, education of the individual to his consumer role.

This education will provide an important ounce of prevention instead of the more expensive pound of cure. Educated consumers will be less likely to make the errors which have led to the abundance of consumer disputes in our courts.

Consumers are confronted with a perplexing series of choice. The average supermarket stocks from 8,000 to 10,000 separate products, and the American people spent $627 billion on goods and services during 1970. Expenditures included $85.3 billion in durable goods such as cars, furniture and 150 million new household appliances; $271.5 billion in perishable goods like clothing, food, beverages, and gasoline, and $270.2 billion for various services.

Our consumer-oriented economy also exerts intense pressures on the buying public. American businesses spent $18 billion on advertising during 1970 alone.

The average person spends 19 hours a week watching television, according to a Columbia University School of Journalism study, and another study—by the Carnegie and Ford Foundations in cooperation with the Office of Education—found preschoolers are spending an average of 54.1 hours a week before the TV tube.

The Columbia University study also estimated that the average American is exposed to 1,516 commercial messages every 24 hours counting all media—TV, radio, newspapers, magazines, billboards, and direct mail.

I ask unanimous consent that this bill be printed in the RECORD.

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

S. 1981

A bill to authorize the United States Commissioner of Education to establish consumer education programs

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 "Consumer Education Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that presently there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(b) It is the purpose of this Act to encourage and support the development of new and improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for community consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

CONSUMER EDUCATION

SEC. 3. (a) (1) There is established, within the Office of Education, an Office of Consumer Education (referred to in this section as the "Office") which, under the supervision of the Commissioner of Education (hereinafter referred to as the "Commissioner"), Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), and Council on Consumer Education, shall be responsible for (A) the administration of the program authorized by subsection (b) and (B) the coordination of activities of the Office of Education which are related to consumer education. The Office shall be headed by a Director, with an established reputation in consumer education and the fields covered therein, who shall be compensated at a rate not to exceed that prescribed for Grade GS–17 in section 5332 of title 5, United States Code.

(2) For the purposes of this Act, the term "consumer education" means preparation with skills, concepts and understanding required for everyday life to achieve within a framework of his own values maximum satisfaction and utilization of resources.

(b) (1) The Director shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization or institution.

(2) Funds appropriated for grants and contracts under this section shall be available for such activities as—

(A) the development of curricula (including interdisciplinary curricula) in consumer education;

(B) dissemination of information relating to such curricula;

(C) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels;

(D) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education, and for public service personnel (such as, but not limited to, social workers and poverty workers) government employees, and labor leaders and employees;

(E) community education programs on consumer education, including special programs for adults; and

(F) preparation and distribution of materials suitable for use by the mass media in dealing with consumer education. In addition to the activities specified in the first sentence of this paragraph, such finds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activties, whether or not assisted under this section. Activities pursuant to this Act shall provide bilingual assistance when appropriate.

(3) (A) Financial assistance under this subsection may be made avaialble only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Council on Consumer Education shall prescribe by regulation and shall be approved only if it—

(i) provides that the activites and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

(iv) sets forth policies and procedures which assure that Federal funds made availabe unlder this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this Act; and

(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(B) Applications from local educational agencies for financial assistance under this Act may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(C) Amendments of applications shall, except as the Council on Consumer Education may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

(4) Federal assistance to any program or project under this section, other than those involving curriculum development, dissemination of curriculum materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contribution to program costs.

(c) (1) There is hereby established a Council on Consumer Education consisting of twenty-one members appointed by the Secretary. The Secretary shall appoint one member as Chairman. The Council shall consist of persons appointed from the public and private sector with due regard to their fitness, knowledge, and experience in matters of, but not limited to business, academic, scientific, legal, and information media activities as they relate to the problems of the consumer and consumer education, and shall give due consideration to geographical representation in the appointment of such members: *Provided,* That the Council shall include representatives from State and local agencies responsible for enforcing consumer protection laws and shall include a representative each from the Department of Justice, the Food and Drug Administration of the Department of Health, Education, and Welfare, and the Federal Trade Commission.

(A) Each member of the Council shall be appointed for a term of three years provided however that eleven of the original Council appointees shall serve an initial term of two years. No Council member shall serve more than two consecutive terms.

(B) The Council shall select a chairman from among its members.

(C) Each member of the Council shall receive travel expenses to and from Council meetings together with compensation at the per diem rate of a government employee with the rank of GS–18 for each day they attend Council meetings.

(2) The Council shall—

(A) advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operations of programs assisted under this section;

(B) make recommendations to the Director with respect to the allocation of funds appropriated pursuant to subsection (d)

among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) develop criteria for the review of applications and their disposition; and

(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

(E) develop an overall organizational plan outlining the objectives of the Consumer Education program.

(F) make a bi-annual report to the Congress evaluating.

(G) co-ordinate all federal consumer education programs.

(H) hire a staff of up to five persons to help it carry out its functions pursuant to this Act.

(3) The Secretary shall obtain the advice of the Council prior to appointing the Director.

TECHNICAL ASSISTANCE

SEC. 4. The Secretary, in cooperation with the heads of other agencies with relevant jurisdiction, shall, insofar as practicable upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions of higher education, Federal, State, and local government agencies, and other agencies deemed by the Secretary to play a role in consumer education. The technical assistance shall be designed to enable the recipient agency to carry on consumer education programs.

SMALL GRANTS

SEC. 5. (a) In addition to the grants authorized under section 3, the Commissioner, from the sums appropriated pursuant to this Act, shall have the authority to make grants, in sums not to exceed $10,000 annually, to nonprofit organizations such as citizens groups and volunteer organizations working in consumer education, and other public and private nonprofit agencies, institutions, or organizations for conducting courses, workshops, seminars, symposiums, institutes, and conferences, especially for adults and community groups (other than the group funded) in consumer education.

(b) Priority shall be given to those proposals demonstrating innovative approaches to consumer education.

(c) For the purposes of this section, the Commissioner shall require evidence that the interested organization or group shall have been in existence one year prior to the submission of a proposal for Federal funds and that it shall submit an annual report on Federal funds expended.

(d) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the oragnizaiton or group shall volunteer additional information.

ADMINISTRATION

Sec. 6. In administering the provisions of this Act, the Director is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Director shall publish annually a list and description of projects supported under this Act and shall distribute such list and description to interested educational institutions, citizens' groups, consumer organizations and other organizations and individuals involved in consumer education.

AUTHORIZATION

There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972; $25,000,000 for the fiscal year ending June 30, 1973; and $35,000,000 for the year ending June 30, 1974, for carrying out the purposes of this Act, *Provided, however,* That during each of those three fiscal years, $250,000 shall be used for the support of the Council on Consumer Education.

By Mr. BELLMON:

S. 1983. A bill to exempt from taxation certain property in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. BELLMON. Mr. President, today I introduce for appropriate reference a bill to exempt from taxation certain property in the District of Columbia. I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

The National Association of Colored Women's Clubs, Inc., is a great fellowship of united women and girls. It strengthens and extends essential community services by improving conditions for family living. It breaks down barriers of race, sex, and religion. It aids in developing capacities for leadership; and explores with confidence new areas of interest and action to make its contribution to the State and Nation.

The NACWC was organized in Washington, D.C., July 1896, by the merger-uniting of the National Federation of Afro-American Women and the Colored Women's Club of Washington, D.C. Mrs. Mary Church Terrell of Washington, D.C., was elected the first president. The birth of the organization marked the beginning of a new era in the history of Negro womanhood.

The organization is comprised of clubs in 40 States and the District of Columbia. The purpose of the establishment of NACWC in 1896 is stated in the preamble of its constitution:

We, the Colored Women of the United States of America, realizing the necessity for organized and systematic effort to promote the general welfare of our people, and to furnish evidence of our moral, intellectual and material strength and progress do hereby unite into a national organization.

In an effort to accomplish its objective, NACWC has undertaken a seven-point program. The organization seeks to: First, promote the education of women and girls, and to hold an educational institute biennially at its convention; second, raise the standard of the home, third, work for the moral, economic, social, and religious welfare of women and girls; fourth, protect the rights of women and children who work; fifth, secure and use its influence for the guarantee of human rights; sixth, obtain for all women the opportunity of reaching the highest standards in all fields of human endeavor; and seventh, promote interracial understanding, justice, good will, and peace among all people.

Based on the NACWC motto, "Lifting as We Climb," little bands of women organized into clubs have been helping people to help themselves in hundreds of neighborhoods. These clubs have assumed responsibilities for various categories of health, education, welfare, and civic work to achieve satisfaction for themselves and to benefit their communities. Along with the programs carried on in local communities and in State and regional organization, federated clubs promote national activities and projects. Recently, Mrs. Myrtle Ollison, noted educator of Oklahoma City, who serves as NACWC president, brought a matter to my attention relating to the property located in the District of Columbia which serves as a national headquarters. I ask that a copy of a letter from Mrs. Ollison be printed in full in the RECORD at this point.

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

MARCH 26, 1971.

HON. HENRY BELLMON,
United States Senate,
Washington, D.C.

DEAR SENATOR BELLMON: We were recently advised that the tax exempt status of the Clubs, Inc. will be void as of July 1st of this year. The exemption was on our property at 1601 R Street, N.W. However, we have recently moved our Headquarters to 5808–16th Street, N.W.

In speaking with the District authorities, they suggested that we ask for the amendment of the exemption laws affecting 1601 R Street, N.W. Lot 78–178, to be transferred to Lot 0015, Square 2724 located at 5808–16th Street, N.Wff.

May we have your assistance to have this law ammended?

Sincerely yours,

(Mrs.) MYRTLE OLLISON,
National President.

Mr. BELLMON. Mr. President, under Private Law 85–496, enacted on July 25, 1958, the property located at 1601 R Street NW. which served as the headquarters for the NACWC, Inc., was exempt from tax by the District of Columbia. The headquarters of this organization was recently moved to 5808 16th Street NW. The purpose of this legislation is to transfer the tax-exempt status to this location.

This organization has made a valuable contribution to this country, and it is my hope that the Congress will act on the measure at an early date.

By Mr. FANNIN:

S. 1984. A bill to provide for national cemeteries in the State of Arizona. Referred to the Committee on Interior and Insular Affairs.

Mr. FANNIN. Mr. President, today I am introducing a bill to provide for a national cemetery in Arizona.

My State does not have such a cemetery despite the fact that there are now about one-quarter million veterans in Arizona. This number is growing at the rate of about 5,000 to 6,000 per year.

We should have a national cemetery within our State for our veterans who wish to be buried with their comrades in arms. Creation of a new national cemetery would be a small enough gesture to show gratitude for the service rendered by our veterans.

Mr. President, I send to the desk a bill providing for establishment of a national cemetery in Arizona.

By Mr. WILLIAMS:

S. 1985. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, today I am introducing a bill to be known as the "Truth in Food Labeling Act." The purpose of the bill is to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients.

There are many Americans who, because of health problems, religious customs and general dietary needs, are handicapped by the lack of stricter FDA regulations on food labeling. More specifically, I am told by many hospital dieticians of their difficulty in planning menus for patients on special salt-free, sugar-free diets because present regulations call for only a partial listing of ingredients on food products. Under present regulations, for instance, it is literally impossible to determine the predominance of egg yolk in mayonnaise, caffeine in a bottle of cola or MSG in prepared gravy.

The problem in simple terms is this: The FDA has established a large number of so-called standards of identity. The original and valid purpose was to insure that certain manufactured food products, which had become known to the consumer by common names, would be substantially the same regardless of manufacturer; in other words, that all mayonnaise would contain the same basic ingredients. However, the FDA has also ruled that ingredients in a great many products covered by a standard of identity need not be listed on the label.

Recently, a group of George Washington University law students, organized and known as LABEL, Inc., filed with the Food and Drug Administration a petition requiring a new regulation that—

> For the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominence, all ingredients which are contained in their product.

The persistence of these outstanding students—Arthur Koch, Gary Laden, Ellis Saull, Louis Kaufman, and Joan Levy—has resulted in public awareness of the lack of complete food ingredient labeling and the necessity for remedial measures.

Giant Food, a major retailer in the Washington area, has seen the merit of this proposal and has agreed to undertake a labeling program for certain products sold under their brand name. Their action is significant—as well as commendable—for it demonstrates that this type of labeling can be practiced.

The bill I introduce today attempts to rationalize the present, inadequate system. It would require the Food and Drug Administration to call for the complete ingredient labeling of all manufactured foods which presently go unlabeled as to ingredients. It would also cover those that are partially, and thus, deceptively, labeled. Further, the absence of a complete ingredient disclosure on any particular food product will cause the product to be deemed "misbranded." When "misbranding" is cited, my bill would give the FDA the needed power to enforce full ingredient disclosure or pull the product off the market.

I feel this bill would effect a valuable change in the protection of the health and welfare of every American citizen by providing them the opportunity to make educated choices with respect to what they wish to eat and what they wish to leave out of their diets. I ask my colleagues in the Senate to join me as cosponsors of this important measure.

By Mr. TOWER:

S.J. Res. 107. A joint resolution to authorize and request the President to issue annually a proclamation designating the month of February of each year as "American History Month." Referred to the Committee on the Judiciary.

AMERICAN HISTORY MONTH

Mr. TOWER. Mr. President, I am today introducing a joint resolution which would authorize and request the President to proclaim the month of February of each year as "American History Month."

This proclamation would serve as a symbol of this Nation's contribution to world history. Furthermore, it would serve as a necessary tool to reflect upon America's past at a time when there seems to be a tendency in the land to disregard the study of past events during consideration of present and future policy questions of national significance.

Mr. President, history provides us with all of the facts we have to judge our brief visit on this planet. The study and understanding of American history will make our task of predicting the results of the policies which we as lawmakers implement. This history has and continues to enable us to weigh our past actions with the expressed desire to avoid the repetition of past errors.

America's history is rich in colorful events and personalities that we all fully recognize. However, our history also portrays a people's mission to achieve a just and free society. Our history represents an ongoing struggle to achieve this long sought goal of man.

I believe that this resolution if enacted will serve as a constant reminder of this Nation's worldly mission. I, therefore, ask unanimous consent that the text of this resolution be printed in the RECORD at this time and that it be given careful consideration by the Senate.

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

S.J. RES. 107

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the month of February of each year as "American History Month," and calling upon the people of the United States and interested groups and organizations to observe that month with appropriate ceremonies and activities.

By Mr. CRANSTON (for himself, Mr. TAFT, Mr. COOK, Mr. HART, Mr. INOUYE, Mr. PACKWOOD, Mr. SPONG, Mr. BAYH, Mr. BENTSEN, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. DOLE, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SAXBE, Mr. STEVENSON, and Mr. WILLIAMS):

S.J. Res. 108. A joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means. Referred to the Committee on Labor and Public Welfare.

DECLARING A POLICY OF POPULATION STABILIZATION

Mr. CRANSTON. Mr. President, I introduce today, with Senator TAFT and the following five principal sponsors, Mr. COOK, Mr. HART, Mr. INOUYE, Mr. PACKWOOD, and Mr. SPONG, as well as the following 20 Senators, Mr. BAYH, Mr. BENTSEN, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. DOLE, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SAXBE, Mr. STEVENSON, and Mr. WILLIAMS, a joint resolution declaring it the policy of the U.S. Government to stabilize the Nation's population by voluntary means.

This unprecedented extensive and bipartisan sponsorship support for a population measure reflects the growing consensus in the Nation and the Congress that now is the time to come to grips with the numerous implications of population growth in America and to formulate a specific national population growth policy. The resolution aims to provide a framework for the national dialog and decisionmaking that will be involved in that process.

EFFECT OF RESOLUTION

Mr. President, the joint resolution I introduce today with 26 of my colleagues would provide the first major step in the development of a national population growth policy. Its enactment would serve three important functions:

First, it would constitute a clear national commitment to achieve a stable population. This is particularly important in a society such as ours in which so many customs and incentives encouraging childbearing have become deeply embedded.

As James Reston recently wrote:

> The history of mankind is strewn with habits and creeds and dogmas that were essential in one age and disastrous in another.

The higher mortality rates of the years in the past made it imperative for all societies to develop social organizations and values encouraging individuals to produce enough children to insure the societies' survival. However, in our country and other developed countries, these

pressures have persisted even after a precipitous fall in the mortality rate has rendered them anachronistic.

Because these influences are so thoroughly integrated into such fundamental institutions as the family and into our traditional conception of male and female roles, most Americans are not aware of the extent to which we are encouraged to maintain a fertility level more suited to the past than to the present or future. In order to create a new awareness and new opportunities for men and women to replace the present large-family incentives, we must establish a specific national goal of stabilization and provide convincing evidence of a strong national commitment to reach that goal.

This resolution would make clear both the goal and the commitment.

Second, the resolution would create a positive context to encourage the research needed: First, to develop voluntary incentives for curbing population growth and, second, to develop the safest, most effective, and convenient contraceptives.

At present, we know very little about parental motivation and the determinants of family size; that is, why one family has six children and another only two. Enactment of this resolution will declare that population research and contraceptive research deserves a high national priority not presently, or ever, afforded these research areas. Indeed, the administration, despite my strong urging, has refused to request any funding for population research and population information discrimination under the new Family Planning Services and Population Research Act of 1970—Public Law 91-572.

In an April 6 letter to Secretary of Health, Education, and Welfare Richardson, I called for population research funding of $5 million for fiscal year 1971—one-sixth of the amount authorized—and $50 million for fiscal year 1972—the full authorization amount. Presently, there is a $15 million backlog of population research applications to the National Institute for Child Health and Human Development. In reply on May 20, Secretary Richardson noted a fiscal year 1972 budget request of $38 million for population research, but what he did not say is that all of these funds are requested under part E of title IV of the Public Health Service Act, thereby ignoring the new $50 million authorization under title X. This oversight cannot be permitted to continue, and I plan to urge the Appropriations Committee to begin funding the new public law in fiscal year 1972 and to do so at the full authorized level.

Mr. President, I ask unanimous consent that the text of my April 6 and Secretary Richardson's May 20 letters be printed in the RECORD at the conclusion of my remarks, prior to printing of the resolution.

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

(See exhibit 1.)

Mr. CRANSTON. Mr. President, third, this resolution would provide our international population programs with more credibility.

The planet as a whole, particularly the less developed world, is being dangerously threatened by unchecked population growth. Most of Asia and Latin America cannot survive a population doubling-time of 25 years or less—which is where they are headed—without experiencing famines, massive unemployment, and unceasing cycles of revolution and repression.

If we intend to convince the developing nations that their progress and survival as viable states demands a dramatic drop in the birth rate, it will have to be by example. Enactment of this resolution would be a sign to the rest of the world that we intend to practice what we preach.

AN AMERICAN POPULATION PROBLEM

Until recently, most Americans viewed the population explosion primarily as a foreign phenomenon threatening the survival of hundreds of millions of people in the less developed nations of Asia, Africa, and Latin America. The Malthusian prediction of famine and mass starvation that haunts much of the world is not imminent in this country.

However, the fact is that we face a very real population problem here at home—a problem that seriously threatens our spiritual and physical environment and thus the basic quality of life for all Americans.

In 1950, there were 151 million Americans. Today there are 208 million. By the year 2000—only 29 years from now—that number is expected to swell to roughly 300 million. In other words, if present growth patterns persist, the population of the United States will double in the last half of the 20th century.

Such growth cannot continue indefinitely. As the National Academy of Sciences 1965 study, "The Growth of U.S. Population," said:

> If present fertility and mortality trends persist, [U.S.] population will surpass the present world population in a century and a half. And in about 650 years, there would be one person per square foot throughout the United States. In the very long run, continual growth of the United States population would first become intolerable and then physically impossible.

So the question is not whether to halt population growth in this country at some point. Population stabilization—holding total population size relatively constant by reducing the birth rate to a level which annual births approximately balance annual deaths—must inevitably occur in a nation with finite space and resources. The real issue, rather, is when and how to stabilize our population.

THE NEED TO ACT NOW

Because of our great, untapped capacity to feed many more people than we currently do in this country, some have argued that the present rate of population growth in America is acceptable—at least in the foreseeable future. However, when one looks beyond the requirements for mere subsistence and considers the services needed to create and preserve a decent standard of living for all of our citizens, the need becomes clear for a policy to slow down, then halt population growth.

President Nixon made this point in his population message of July 18, 1969, when he said:

> Only recently has it come to be seen that pressing problems are also posed for advanced industrial countries when their populations increase at the rate that the United States, for example, must now anticipate. Food supplies may be ample in such nations, but social supplies—the capacity to educate youth, to provide privacy and living space, to maintain the processes of open, democratic government—may be grievously strained. . . . I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans.

The pressure and cost of having to accommodate the third hundred million Americans in the scant three decades looming immediately ahead of us can only further aggravate the social tensions and strains the Nation is experiencing.

To begin with, the present rate of population growth will make the solution of nearly all our problems more difficult and expensive. Rebuilding our decaying central cities over the next 30 years will be rendered considerably more costly and complex by the massing of an additional 80 million Americans in our urban areas by the year 2000.

Efforts to rescue our deteriorating environment will be complicated by the addition of 100 million more consumers of resources and producers of pollution. Most environmental damage in the United States today is the product of high levels of consumption combined with a powerful and often mismanaged technology. According to recent Census Bureau statistics, population growth will produce 37 percent of consumption increases anticipated over the next 15 years.

Nowhere is this consumption and pollution threat any greater than in my State of California with its estimated 20,300,000 persons as of this spring. Since its statehood, California has experienced the fastest population growth of any State, and over the last 120 years it has had by far the fastest average increase per decade. By 1964, 60 percent of all Californians were residing in urban areas, and the urban proportion continues to increase rapidly with more and more concentration in enormous, sprawling metropolitan areas in the north and south of the State.

Furthermore, as our population grows we may be reaching more thresholds of ecological imbalance. In other words, adverse ecological effects are often more than proportionate to added population.

Thus, the question of whether to establish a population stabilization policy now or later is really a question of what policy we should employ with regard to our scarce public resources in the years ahead.

Do we want to concentrate our limited tax dollars on more schools, or on better education?

On more housing units, or on the elimination of urban and rural slums?

Do we, in short, want more quantity for the Nation as a whole, or a better quality of life and better distribution of goods and services?

Mr. President, I think we all know the answer to these questions: the American people are demanding an improvement in the quality and safety of their physical and social environment.

While there are numerous benefits to be realized from a reduction in the rate of population growth, there appear to be few costs associated with a reasonable stabilization policy. Both our military might and prolific economy currently are founded on a scientific and technological base; they are no longer dependent on increased numbers for their maintenance and growth. Nor do we appear to have any aggregate manpower shortages as a nation. Indeed, our problem in recent years has been one of persistent unemployment and underemployment.

Finally, a compelling reason for initiating a population policy now is the considerable time it will take to halt U.S. population growth. Even if American families began tomorrow having only two children on the average—just enough to replace themselves—our population would continue to grow until the year 2037, when it would be roughly 277 million persons—70 million larger than it is today.

In order to stop population growth immediately, couples would have to average only one child in the coming years, a practice that would alter the age composition of our population by drastically reducing the proportion of young people and produce grave disruptive effects on the school system and the labor market.

Realistic proposals for movement toward population stabilization range from calls for families averaging two children—so-called replacement level—to birth rates running slightly below replacement. But all of them require between 35 and 70 years to achieve their goal.

The establishment of a policy designed to stabilize U.S. population growth represents the sensible and prudent course to take at this time.

VOLUNTARY MEANS

The question remains how to effectuate this policy.

In any discussion of means or methods, one point must be made crystal clear: coercion is totally unacceptable as a means of lowering the birth rate. On this there can be no compromise. Initiating a population stabilization policy must serve to expand individual freedom and choice, not to reduce it. All government policies and programs to achieve stabilization must rely on voluntary action in order to be consistent with the basic American traditions of maximum individual freedom within our democratic system.

FAMILY PLANNING NOT ENOUGH

On the other hand, we cannot expect our population problem to disappear by itself or be solved inadvertently through other public programs.

For example, the hope has been expressed that the efforts to eliminate unwanted fertility authorized by the Family Planning and Population Research Act of 1970—Public Law 91-572—will be sufficient to reduce the birth rate to replacement level or below. There are two fundamental difficulties with this expectation:

First, family planning programs seek only to reduce the incidence of unwanted pregnancies by providing citizens with the opportunity to plan the number and spacing of their children. Family planning programs do not attempt to influence the number of children a family desires. Any program that seeks to halt population growth, must in addition to providing for total availability of family planning services, seek to insure that the number of wanted births is consistent with a stable population.

Thus, reliance on family planning programs alone to achieve stability amounts to demographic roulette. For there is no way of determining in advance if the elimination of all unwanted fertility will lead to zero growth.

This constitutes an unacceptably large social risk since small absolute differences in desired family size on an individual level can result in huge commulative differences for the society as a whole. For instance, if families in this country choose to have only two children on the average, our population 100 years from now would be 340 million persons; an average family size of three children, on the other hand, would result in nearly a billion Americans by 2071.

The second problem with this argument—that counsels sole reliance on family planning programs to stabilize population—is the failure to recognize that America's population growth is not due primarily to the poor. Most of our population growth comes from children born into middle-class families. A study revealed that only 29 percent of children born from 1960 to 1965 were born to poor or near-poor mothers.

Since present family planning programs are directed almost exclusively at those who lack the income to purchase family planning counseling services and contraceptives from existing private sources, they do not reach that portion of the population that is responsible for the majority of births—the middle class. Furthermore, the impression is created that stabilization is just a euphemism for the elimination of certain lower-income groups in our society, giving rise to charges of genocide.

Therefore, to be just and effective, a national policy to stabilize population must contain a comprehensive public education program and noncoercive incentives addressed equally to all segments of our society—rich and poor, male and female, black, brown, and white.

POPULATION DISTRIBUTION NO ANSWER

Others have expressed the hope that specific policies to reduce population growth can be avoided by relying upon programs designed to redistribute our population from high density to less-crowded areas. There is no doubt that maldistribution is undoubtedly one element of our population problem.

But, as was explained in the March 1971 interim report to the Congress of the Commission on Population Growth and the American Future, on which I now serve along with Senator PACKWOOD, a cosponsor of this resolution:

> National population growth and geographical distribution cannot be treated as an either-or affair. The distribution of population is problematic in many ways. But the choice among ways to redirect growth does not eliminate the necessity of making a choice about when the nation could best accommodate 300 million people or whether it should accommodate 400 million.

In summary, there is only one way this Nation can be assured of attaining a stable population in a rational equitable, noncoercive fashion: We must develop an explicit national policy designed to reduce average family size to a level consistent with achieving zero growth within a reasonable period of time.

CONCLUSION

Mr. President, the time to move from debate to action has arrived. We have reached the point in history where a responsible, rational, moral solution to the population problem must be developed. This joint resolution to adopt a policy of stabilizing population in the United States by voluntary means is a necessary and important first step toward that solution.

In closing, let me make three brief points.

First, the question of population growth and the need for a stabilization policy in our Nation is not a partisan, ideological, or regional issue. This resolution is sponsored by 17 Democrats and 10 Republicans, from every geographic area of the Nation, whose philosophies cover the entire political and social spectrum.

Second, I have considered very carefully the relationship of this resolution to the deliberations of the Commission on Population Growth and the American Future, on which I serve. The Commission presented its interim report this past March and is due to present its final report to the Congress and the President in about 10 months. Its interim report is fully consistent with the substance of this resolution, and I believe a majority of the Commission will conclude that beginning to implement a voluntary population stabilization policy is necessary. I anticipate that the Commission's major contribution will be to make recommendations of a timetable and specific voluntary methods and programs for achieving stabilization of our population.

Finally, I expect this resolution, as was its predecessor resolution in the last Congress—Senate Joint Resolution 214

introduced by the distinguished former Senator from Maryland, Joseph Tydings, who has provided great leadership in this field—will be referred to the Labor and Public Welfare Committee, and within that committee to the new Special Subcommittee on Human Resources, which I am privileged to chair. As evidenced by the strong support this resolution has already gathered in the Senate, it is neither visionary nor unfeasible to seek its adoption in this Congress. That is my purpose in introducing it today. And I shall do all I can, with the help of Senator TAFT, Senator COOK, Senator HART, Senator INOUYE, Senator PACKWOOD, and Senator SPONG, and the other 20 cosponsors, to achieve that goal in the months ahead.

Mr. President, I ask unanimous consent that the text of the joint resolution appear in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT 1

APRIL 6, 1971.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I regret that I was unable to be with you at the Congressional luncheon January 28 celebrating the passage of the Family Planning Services and Population Research Act. I certainly join you in support of an enlarged Federal role in this area.

I am, therefore, distressed that the Department of Health, Education and Welfare appears to be delaying the implementation of the legislation by failing to request adequate financial support for the newly authorized programs. It is my understanding that you announced at the luncheon that the Department would seek $6 million in supplemental funds for family planning services in FY 1971 under the new title X authority. That figure seems terribly inadequate in light of Senate approval last December of a $12 million supplemental appropriation for this purpose and in view of the title X FY 1971 authorization for services of $42.750 million in addition to current obligations.

I understand that there is a sizable backlog of applications for family planning project grants that could be funded this fiscal year. Since the administration budget does contain an increase in service funds for FY 1972, the Department obviously recognizes the existence of large scale community demand for such programs and the need for increased expenditures. It seems to me that injecting $12 million, rather than $6 million, into the field this fiscal year would facilitate a more orderly expansion to the projected FY 1972 level and would enhance the possibility of Congressional support for the FY 1972 request.

In addition, the Senate in December approved an appropriation of $5 million for population research in FY 1971. With an FY 1971 authorization of $30 million, with large backlogs of applications for such research funds on hand at the National Institute for Child Health and Human Development, and with Congressional support for additional funds obviously available, I cannot understand your reluctance to press forward with increased funding for these research programs this year.

My concern extends also to the FY 1972 request for population research. With authority to request $78 million the budget calls for only $38 million—an increase of $10 million over FY 1971. This is not even sufficient to fund the existing backlog of $15 million in approved but unfunded applications on hand at NICHD. It also falls far short of the $50 million which you stated, in testimony before the House Interstate and Foreign Commerce Committee last August, was the Department's projection of funds necessary for population research in FY 1972. I am not aware of any developments in the research field during the past six months that would make a reduction in that projection possible or desirable. Although I am well aware of the budgetary pressures and constraints which limit the Department's initiatives, I believe it is urgent to begin full implementation of the population research program.

I wholeheartedly agree with President Nixon's statement in his Message on Population Growth and the American Future. "One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today."

I hope you will give the most serious consideration to increasing your request to $12 million for FY 1971 services funding under title X and to requesting population research refunding of at least $5 million for FY 1971 and at least $50 million for FY 1972.

Sincerely,

ALAN CRANSTON.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 20, 1971.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of April 6 expressing support for additional funding for the population research and family planning services programs.

A $6 million supplemental to the 1971 budget for Family Planning Services has been approved and recently transmitted to Congress. The amount of this request has to be considered in the context of our commitment to these programs in the 1972 budget, and the fact that only two months are left in the current fiscal year.

As the President stated in his Health Message, he is requesting $130 million in 1972 for family planning programs. This includes an increase for family planning services which almost triples the 1971 program. Of this amount, $61 million is being requested to implement the new legislation and $29 million to continue projects authorized under Title V of the Social Security Act.

The $38 million budgeted for population research represents a more than 142% increase above the 1970 level—more than 3.5 times the amount appropriated for this purpose in 1969 when this Administration took office.

This funding level must be viewed in terms of competing needs for a number of important programs in addition to family planning services, including cancer research, alcoholism, and restructuring of our systems for delivery of health care. Given many pressing demands for limited public resources, we believe the amounts now budgeted for population programs are manifest evidence of the priority we place on family planning and do represent a realistic commitment by the Administration.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

EXHIBIT 2

S.J. RES. 108

Whereas every nation's finite space and resources will necessarily and inevitably cause human population to stabilize, and

Whereas the adoption of public policies to reduce the birth rate voluntarily in a manner consistent with human rights and individual conscience is the most moral and democratic way to insure that such stabilization is not forced upon the nation by higher death rates or other social catastrophes, and

Whereas all citizens of the United States seek a world with a healthy environment, clean air and water, uncluttered land, copious open spaces, natural beauty, and wilderness and wildlife in variety and abundance, in which the dignity of human life is enhanced, and

Whereas unchecked population growth increases the difficulty and cost of solving the social, economic, and political problems of the United States, and coupled with modern technology and standards of living, contributes to the pollution and degradation of the environment, and

Whereas it is by its own example that the United States can play a leading role in the fight to curb world population growth which is obstructing economic progress and threatening starvation, mass unemployment, and civil strife in the developing countries of Asia, Africa, and Latin America, and

Whereas it is estimated that a half century or more may be required for population within the United States to stabilize after a national average of two children per family is achieved, and

Whereas the longer development of rational public policies to reduce the birth rate is delayed, the more difficult and costly it will become to insure that socially undesirable pressures, including an increased death rate, for population stabilization are avoided: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to encourage and develop, at the earliest possible time, the necessary attitudes and policies, and to implement them by actions which will, by voluntary means consistent with human rights and individual conscience, stabilize the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world.

Mr. TAFT. Mr. President, I am honored to serve as the prime sponsor of the joint resolution, introduced today by the distinguished Senator from California, which commits our Nation to the voluntary stabilization of population growth.

This joint resolution is timely and important because it expresses very clearly the recognition of the Congress that as a top priority we must continue to develop attitudes and policies, on a voluntary basis, to stabilize population growth in our Nation and the world.

The statistics are alarming. It has been estimated that the world population will double to over 7 billion people by the year 2005. Of course, the implications of population projections go far beyond the realm of statistics. Our immediate concern must be the quality of human life.

During fiscal year 1970, the U.S. Government expended $88.9 million on population control programs in the United States and another $54.1 million overseas through the Agency for International Development and the Department of State. These figures are encouraging if it is remembered that in 1964, the U.S. Government did not spend as much as $1 on family planning.

This resolution represents an important first step—a willingness to devote resources, energies, and encouragement to the voluntary planning of our population growth. It is my hope that this measure, which enjoys wide bipartisan support, will receive early and favorable action by the Congress.

Mr. HART. Mr. President, it gives me great pleasure to cosponsor the joint resolution introduced by the Senator from California (Mr. CRANSTON), and to express appreciation for his leadership in this exceedingly important area.

With each passing year, it becomes increasingly apparent that the growth of human populations must eventually cease. The only debatable questions, it would seem, relate to when we will reach a zero rate of growth and by what means. With the introduction of this resolution, the Senate is called upon to endorse a population policy which would eventually produce a balance between births and deaths; that is, a stabilization of the size of the population of the United States before the environmental and humanitarian costs of increasing numbers of people become too high. Few objectives would appear to be so obviously deserving of support.

At this point some people are asking: have we not already done enough in the field of establishing a population policy for the United States? Thanks to the action of the Congress last year, family planning services should now be a more adequately funded part of public sector health care. But let us examine what family planning really means, and how much the full provision of these services would contribute to the stabilization of the numbers of our population within the United States.

Family planning means action by individuals and couples to plan and assure the number and timing of children that they want. As a part of medical care, with many social overtones, family planning is a basic human right, as agreed to by 30 heads of state in a United Nations declaration on the subject. In the United States, the National Center for Family Planning Services and the Office of Economic Opportunity are the main governmental agencies responsible at this time for family planning as a health service for all Americans. This right had been affirmed by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479, 1965, and was made an effective right for those in need of subsidized service by provision of moneys under the Tydings legislation, now Public Law 91–572, title X of the Public Health Service Act. More than $40 million is currently being considered as an appropriation under this authorization. This appropriation is essential and should be provided promptly by Congress.

Yet, full acceptance of family planning under this program, I am told, would only reduce the birth rate in the United States from 18 births per thousand population to 17 births per thousand population. Full use of family planning methods to prevent all unwanted births, to all income groups, would produce a reduction of only a little more: a birth rate of about 16 per thousand. To avoid increase in our population size, we would need a birth rate that matched the death rate: nine per thousand. It thus seems clear that population policy must involve more than the provision of adequate family planning services.

What, in addition, can be done to encourage lower fertility? For one, we could provide expanded opportunities for women to have satisfactory jobs outside the home. So long as women are dependent for their primary source of satisfaction in life in bearing and rearing children, they are likely to continue to have children in numbers that probably will exceed those consistent with what is best for all of us. Society must give satisfactions to women if women's own interests are to coincide with those of the Nation.

As another measure, we could give the single person the same tax treatment as married couples. Further we could reexamine our abortion and other policies in light of explicit population control objectives.

What it appears we must do now is to adopt a national population policy that would have as its primary objective a decrease in the size of the American family. Since some have suggested that population control is essentially a poor people's problem, it should be made clear that this is not the case. If we accept a family income of $4,000 as the definition of poor, it will be seen the poor will account for only 22 percent of the children in our next generation. The vast majority, or 78 percent, will be produced by other than poor families.

Our population policy then should be directed toward all—not merely poor—Americans. All segments of the country are in need of education, of opportunities for women to participate in the mainstream of economic life, and of enlightened employment and income policies. If we fail to satisfy those needs, we run risks to society which under any circumstances must be considered unacceptable.

Mr. PACKWOOD. Mr. President, I rise today as a sponsor of Senate Joint Resolution 108—to declare a U.S. policy of achieving population stabilization by voluntary means—and to urge its speedy and favorable consideration by my distinguished colleagues.

The 1970's are the bicentennial decade of this country. Our Founding Fathers settled a continent on the basis of equality for every State and opportunity for all individuals. We have come to lead the world in technical skill and industrial power. We have sent our citizens to walk on the moon. And as a nation we have never turned away from any challenge because it was too big, too fearsome, too hard to manage.

Our vision has been westward. Our eyes have been on the future. Our concern has always been, What can be, not what might have been. We have not been afraid to ask apparently unanswerable questions and then to search for the answers while others were still framing their questions.

Today, I believe the time has come when we as a nation must ask ourselves a new set of questions and then we must look together toward the future—not backward into the past—to find a new set of answers.

Today this Nation faces a pervading crisis which some call a population explosion, others an ecological threat, still others a polluted environment. Because population and pollution are interdependent, I will speak of a population crisis—a crisis which makes a mockery of "America the Beautiful." Who could write today that our "alabaster cities gleam undimmed by human tears"? Even our "purple mountain majesties above the fruited plain" are hidden by a veil of smog, while DDT and fertilizers pour pollution from the golden wheat fields into opaque and sluggish water.

We are living today in a country of more than 206 million people, 70 percent of whom live in urban areas, and with an annual GNP which is reaching mind-boggling proportions. But, in spite of our affluence and ingenuity, we are beginning to have trouble in buying clean air, pure water, or simply a piece of unoccupied space.

The real threat facing us is not creeping socialism or creeping capitalism, but rather creeping populationism. The growth of our population, generation by generation, year by year, is putting pressure on many of the resources we value, not only our lands and waters, our forests and plains, but also our schools, and hospitals, our roads and cities, our recreation, and ultimately, of course, our whole standard of living.

President Nixon has already given unprecedented attention to population growth. In the first Presidential message to Congress on population in July 1969 the President said:

> I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans. In fact, since 1945 alone some 90 million babies have been born in this country. We have thus had to accomplish in a very few decades an adjustment to population growth which was once spread over centuries. And it now appears that we will have to provide for a third hundred million Americans in a period of just 30 years.

Human life exists only in the space of barely half a mile of oxygen above the land areas of this planet. Human population cannot expand indefinitely because to the best of our knowledge, there are no other points in the entire universe where human beings can survive. Furthermore, every single human being becomes a burden on the environment: his food, shelter, his very breath, and all his possessions come from the resources—some renewable, many more not renewable—of this narrow life-giving layer.

During a normal lifetime the average American will devour 28,000 pounds of milk and cream, 10,000 pounds of meat, and 56 million gallons of water; he will require 21,000 gallons of gasoline and $8,000 worth of school construction; he will purchase $6,000 worth of clothes and $7,000 worth of furniture. And to supply these demands, America will produce nearly 50 percent of the world's industrial pollution; in this vast consumptive process, Americans pay the garbage collectors nearly $3 billion every year just to collect the debris.

These numbers translate into the gradually deteriorating pictures of everyday life—dirty air, dying waters, slum-ridden cities, crowded parks, bumper-to-bumper traffic, a greater and greater struggle for less and less space—and with every half century, the appalling

expectation that our population will double and redouble and double again. Until we see that an end is in sight, until we recognize that population serves as a geometric multiplier of all our social and environmental problems, until we appreciate that all our efforts for a pure environment are really nothing more than an effort to erase the dirty traces of mankind from the clean patterns of natural development—we will not find a lasting solution. We are in effect chasing our own tails in an endless and seemingly insane cycle of production, reproduction, construction and destruction.

Mr. President, several things are necessary if we are to break this endless and disastrous cycle. First and foremost we must make its possible for all babies to be wanted babies. This means eliminating all unwanted fertility. Recent surveys indicate that an average of 22 percent of all births to married couples in this country are described as unwanted by at least one spouse. Elimination of unwanted fertility requires access to contraceptive information and services for every woman in this country. Congress took one step toward recognizing its responsibility in this area last year with passage of Public Law 91–572, the Family Planning Services and Population Research Act of 1970.

Should contraception fail, all women in this country should have the right to terminate an early pregnancy under safe and sanitary conditions. I have already introduced legislation to accomplish this objective. Abortion is a matter of personal conscience and should be left to the decision of a woman and her doctor, no one else. Until our laws recognize the basic right of all women to control their fertility, the inequity and hypocrisy which exist today will continue.

Third, we must expand and intensify our population and family planning research efforts to insure the development of a wide variety of safe and effective contraceptive methods. Only with a series of perfect contraceptives will we actually have a chance to eliminate unwanted fertility—and thereby make sure that every child is a wanted child.

Once these three conditions have been met, childbearing will become a matter of choice, not chance. But our problems do not end there. After the elimination of all unwanted fertility, current estimates indicate that even wanted fertility alone will result in continuing population growth. Let us therefore address ourselves without further delay to the overriding issue at hand. This Nation and the world will, at some point in time, reach a stationary population, that is it will achieve a zero growth rate. Under these circumstances, births will equal, not exceed, deaths. Sufficient numbers of children will be born to assure replacement, but no more. What we must decide is not whether this Nation will stabilize its population—because stabilization at some level is unavoidable in a finite land—but rather when we will stabilize our growth at replacement levels of reproduction.

Because we are growing at geometric rates now, and because of the built-in momentum inherent in population growth, acceptance of replacement level fertility—which averages out to 2.1 children per woman—has a lag time of about 60 to 70 years. In other words, if all women today began to limit their families to an average of slightly over two children, it would take about 60 to 70 years for us to reach replacement level. In the long run this leads us to a zero growth rate, but we would continue to grow for those long, long years. The lag results from the large number of women who have not yet entered their childbearing years. Their rates of reproduction may be reduced, but due to the large number of women in this age group, the actual number of births will remain very high.

Therefore the decision as to when we will stabilize our population at a stationary rate also determines how large the population will be when we finally achieve zero growth. For the sake of the generations which will follow us, I am profoundly hopeful that our decision will be to begin now to move toward population stabilization.

Let me say at this point that it is not impossible to feed the half billion people we can expect within a matter of decades at current rates of growth. We could perhaps feed that many people if we do not care whether or not we overutilize the farmland and if we ignored the effect that pesticides used on the crops to feed that many people might have on the rest of the country. It might even be possible to house half a billion people if we do not care whether or not we cut down all the trees in our forests and then deplete other natural resources that would have to be found as a substitute for wood to build that many homes. We might even be able to handle the solid waste disposal and the air and water pollution that half a billion people would cause.

But at some stage, even the United States is finite. At some point, we will reach a limit where we cannot feed, cannot house, and cannot clean up after all of the people who might be born in this country.

We must face the problem now and undertake a policy of population stabilization whereby we can look forward to slowing the population growth of this country by voluntary means, rather than having to resort to coercive means in 40 or 50 or 60 years.

The time has come to look—without blinking or averting our eyes—at where we stand today in the population crisis. What was appropriate for Adam and Eve in biblical times or for our own forebears who crossed and populated a continent is no longer appropriate in a world of more than 3 billion people where two-thirds of all children are poor, hungry, or dirty without much hope of improvement. Our forebears had commonsense and determination. They possessed these qualities in abundance in taming the continent. Today the challenge is ours. If I am right in my assessment, we do have the commonsense and determination to respond.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 10

At the request of Mr. McCLELLAN, the Senator from Wisconsin (Mr. NELSON) and the Senator from Georgia (Mr. GAMBRELL) were added as cosponsors of S.10, a bill to establish a national policy relative to the revitalization of rural and other economically distressed areas, and for other purposes.

S. 537

At the request of Mr. ANDERSON, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 537, a bill to amend title XVIII of the Social Security Act so as to include chiropractor's services among the benefits provided by the insurance program established by part B of such title.

S. 1820

At the request of Mr. PACKWOOD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1820, a bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries.

S. 1828

At the request of Mr. DOMINICK, the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from Nebraska (Mr. CURTIS), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 1828, an act to conquer cancer.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Sentor from North Carolina (Mr. JORDAN), and the Senator from Alabama (Mr. ALLEN) were added as cosponsors of Senate Joint Resolution 79, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 129—SUBMISSION OF A RESOLUTION RELATING TO THE PRINTING OF A SENATE DOCUMENT

Mr. McGEE submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 129

Resolved, That there be printed, as a Senate document, a report entitled "Study Mission to Central and East Africa," submitted by Senator Gale W. McGee to the Senate Committee on Appropriations and that twenty thousand additional copies be printed for the use of that committee.

SENATE RESOLUTION 130—SUBMISSION OF A RESOLUTION RELATING TO THE PRINTING OF A SENATE DOCUMENT

Mr. BYRD of West Virginia, for Mr. RANDOLPH, submitted the following reso-

lution, which was referred to the Committee on Rules and Administration:

S. RES. 130

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act, as amended) entitled "Cost of Clean Water," be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

(Ordered to be printed and to lie on the table.)

AMENDMENT NO. 115

Mr. ALLOTT. Mr. President, on May 24 I announced that I intended to propose No. 112 to H.R. 6531, now pending before the Senate, designed simply to substitute the pay provisions of the Gates Commission Report for pay provisions contained in the bill as amended by the Senate Committee on Armed Services. By inadvertence, my amendment contained, in addition, the quarters and other allowances provisions contained in the House-passed bill.

Therefore, Mr. President, I am substituting today a corrected amendment (No. 115) which simply would replace the complex pay and allowances system in the House-passed bill with the more efficient Gates Commission structure which concentrates on basic pay for junior personnel.

AMENDMENTS NOS. 116, 117, AND 118

Mr. HATFIELD submitted three amendments intended to be proposed by him to the same bill (H.R. 6531) which were ordered to be printed and to lie on the table.

AMENDMENT NO. 119

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, the amendment I am submitting today relates to the doctors draft which has been used in 19 of the past 22 years to provide medical personnel to meet the health care needs of the Armed Forces and their dependents.

For some time, the critical shortage of medical professionals in the United States has been aggravated by the number of doctors who have to leave internships and their practices, oftentimes in county hospitals and community clinics, to fulfill their military obligation.

The extent of our Nation's deficiency in health manpower is well known. To meet the demand that exists within the framework of our present health care system, we need 50,000 doctors, 20,000 dentists, and 150,000 nurses. By the end of the decade, the shortfall will be much larger.

Therefore, it is vital to improve the availability, the distribution, and the productivity of our existing supply of health manpower.

With those needs present, the drafting of some 1,600 doctors during the current calendar year raises serious questions for the Nation. Can more of the health care needs of our military men and their dependents be served in other ways? Has the possibility of contracting with civilian medical personnel and facilities both in the United States and in allied countries been adequately explored? Has there been an adequate evaluation of the comparative needs between civilian and military populations prior to the establishment of a call for doctors by the Selective Service System?

As chairman of the Senate Health Subcommittee, I have been unable to find adequate responses to those questions. Although in individual cases, draft boards do examine the existent need, and overall in-depth analysis of this situation appears eminently desirable.

For example, currently 32.5 percent of the medical and 22 percent of the dental workloads of Army health professionals related to dependents and retired servicemen. The Army has estimated that 1,597 doctors, 448 dentists and 1,301 nurses are engaged in the care of dependents and retired personnel. Also 58 percent of the Army hospitals and 67 percent of the Army clinics are in the Nation's metropolitan areas where there is a generally easy access to civilian medical resources. I believe that a portion of these needs may be served by civilian medical facilities on a contract basis, thereby relieving the need for drafting a percentage of doctors into the military.

While there is no question that Army combat troops require on the scene medical professionals as well as all the medical care necessary to care for their wounded, only 14 percent of the doctors, 7 percent of the dentists and 20.5 percent of the nurses currently are engaged either in Vietnam or caring for wounded.

To permit the necessary evaluation of the actual military health care needs and to permit the exploration of other means which might be used, I am submitting an amendment which would do the following:

First, it would require the Secretary of Defense and the Secretary of Health, Education, and Welfare to join in an evaluation of both civilian and military health needs prior to the issuance of calls for the doctors draft.

Second, it would require the Secretary of Defense, along with the Secretary of Health, Education, and Welfare, to undertake a study and report to the Congress within 6 months on the alternatives to meeting the health care needs of military personnel, their dependents and retired personnel through the use of military personnel. The amendment specifies that attention should be drawn to the feasibility of contracting with civilian facilities and civilian medical personnel for meeting the health care needs of the Armed Forces.

AMENDMENT NO. 120

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting an amendment today for myself, Senator MCINTYRE and Senator JAVITS to remedy a deficiency in the Selective Service System which has drawn the attention of legal scholars, civil libertarians and draft counselors. Under the current law, the Selective Service System is excluded from the provisions of the administrative procedure act, except for the public information requirements.

That exclusion has created a particular deficiency with respect to the inability of concerned groups to learn of proposed changes in regulations before they take effect. The lack of any notice and the absence therefore of the opportunity to comment on those proposed regulations has produced unfortunate results.

First, the vagueness of certain regulations and the actual errors which have occurred cannot be caught during the rulemaking procedure and the result is unnecessary litigation. By denying the opportunity for comments on proposed rules, the system has prompted litigation and given registrants additional grounds for challenge in the courts.

During the extensive hearings which I conducted as chairman of the Senate Subcommittee on Administrative Practice and Procedure, testimony was received from lawyers and law professors underlining this failure.

Second, the deficiencies in the regulation process frequently have made necessary additional directives and informal memoranda to try and define the meaning of the original regulations. Because of their informal nature, most of these advisory views are considered to be privileged by the local and State boards and are, therefore, even more remote from public scrutiny.

The amendment would do the following: It would require that no regulation issued under this act would become effective until 30 days after it has been published in the Federal Register. After the publication of the regulation, individuals could submit their comments to the Director. No hearing would be required; however, I believe consonant with the general view of those expert in selective service legal affairs, that the opportunity for comment would be sufficient to insure access to the system's rulemaking process.

Since an occasion might arise where immediate issuance of a regulation were necessary, under my amendment the President could waive the time limit requirement where he felt its delay might impair the national defense. He would give public notice to that effect at the time the regulation were issued.

I believe this will insure clarification of the rulemaking procedure now in effect and will produce a better-defined set of regulations which will aid both registrants and draft boards in understanding their responsibilities.

ANNOUNCEMENT OF HEARINGS ON FEDERAL ADVISORY COMMITTEE BILLS

Mr. METCALF. Mr. President, the Chairman of the Senate Subcommittee on Intergovernmental Relations, the distinguished Senator from Maine (Mr. MUSKIE), has asked me to announce that the subcommittee will hold hearings beginning June 10, 1971, on two bills: S. 1637, the Open Advisory Committee Act, which I introduced on April 22; and S. 1964, the Federal Advisory Committee

Standards Act, introduced on May 26 by the junior Senator from Delaware (Mr. ROTH) on behalf of himself and the junior Senator from Tennessee (Mr. BROCK).

These bills deal with the many problems of councils, committees and other organizations which are advisory to the President and Federal agencies. They seek to reduce the number of such committees, establish a central place for committee reports, require executive accountability, and establish certain standards and guidelines relating to membership, disclosure of information and conduct of such committees.

The hearings on June 10 and June 11 will be held in Room 1318, New Senate Office Building, beginning at 10 a.m. Hearings are also scheduled for June 15, 16, 17, and 22, but a hearing room has not yet been designated. Senator MUSKIE has requested that I chair the hearings.

Representatives from the Department of Defense, and the Department of Commerce have been scheduled to testify. Among other things, the hearings will cover operations of the Advisory Committees of the Civil Aeronautics Board, the Defense Industry Advisory Council—DOD—and the National Industrial Pollution Control Council—Department of Commerce—as case studies in connection with the proposed legislation.

Any Member of Congress or other person wishing to testify with respect to the above legislation, should contact the chief clerk of the subcommittee, Mrs. Lucinda Dennis, in room 357, Old Senate Office Building at 225–4718.

NOTICE OF HEARING ON A NOMINATION

Mr. WILLIAMS. Mr. President, I wish to announce that on Thursday, June 10, the Committee on Labor and Public Welfare will hold a public hearing on the nomination of Dr. Merlin K. DeVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare.

The hearing will be held in room 4232, New Senate Office Building, and will begin at 2 p.m.

NOTICE OF HEARINGS RELATING TO FREIGHT CAR SHORTAGES

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Washington (Mr. MAGNUSON), chairman of the Committee on Commerce, has announced that the Special Subcommittee on Freight Car Shortages will continue its hearings on freight car shortages and the relevant bills, S. 1415, S. 1729, S. 1730 and S. 1731, on June 3, 16, and 17. Hearings will commence at 10 a.m. in room 5110, New Senate Office Building.

For further information, please contact John Cary on 225–9325.

ADDITIONAL STATEMENTS

DIVIDE AND CONQUER

Mr. BENNETT. Mr. President, an ancient principle of military operations is to divide and conquer. Recently a distinguished newspaper in Utah published an editorial pointing out that there are those in our country who would see our system of government destroyed by this process.

Mr. President, I ask unanimous consent that the editorial entitled, "Foes of the U.S.A. Can Too Easily Perfect Formula To Divide, Bury Us," from the May 23, 1971, edition of the Ogden Standard-Examiner be printed in the RECORD.

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

[From the Ogden (Utah) Standard-Examiner, May 23, 1971]

FOES OF THE U.S.A. CAN TOO EASILY PERFECT FORMULA TO DIVIDE, BURY US

What would be the easiest way for an enemy, any enemy, to carry out a threat to "bury" us?

There's nothing better than the age-old formula, "divide and conquer."

A divided America would be weak, at home and abroad.

Except for the 1861–65 War Between the States, the United States of America have usually been united in fact as well as in name.

There's been dissent, but a healthy dissent. Differences of opinion usually have been expressed within the guide lines of the Bill of Rights of the Constitution. That's the document that gives Americans the right to freedom of press and religion and the right to "peaceably assemble and petition for a redress of grievances."

Note, however, that word "peaceably."

So, as an enemy, the idea would be to have nonpeaceable assemblies. How about using racial or political differences as an excuse, not a reason, to riot in the streets? Wouldn't that upset the U.S. especially if the riots—you could, to be polite, call them demonstrations—took place in the streets of the nation's very own capital?

What a revolting, if you'll excuse the pun, idea!

It could be put up to the enemy's board of strategy this way:

Now about this freedom of press and religion stuff. In your country there are no freedoms. So this must, for America, be a myth. If anyone disagrees with your own so-called "peoples' government," the people disagreeing get shot. Or exiled. How can the U.S.A. be different?

It's obvious you never read the words that famed Supreme Court Justice Learned Hand wrote many years ago:

"The First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly, but we have staked upon it our all."

What to use for an excuse to keep these disturbances going if the people of America get well started on a solution to the admittedly-disturbing problem of racial relations?

Wouldn't a foreign war do?

The United States has earned a tremendous reputation all around the globe for taking the side of the underdog, in peace and in war.

Thousands of Americans have given their lives on alien battlefields to keep other peoples from being oppressed.

So next time the U.S. gets into such a war, make it unpopular—really unpopular—at home!

That'll really tie those proud Yanks in knots. They'll lose the war, pulling out without victory. They'll tarnish their reputation as the Big Hero among the unfortunates of the world. It'll cost billions of dollars. And it'll get Americans fighting Americans, right at home.

Meantime, you could plant seeds in diplomatic conferences that will find fertile ground among those people of the U.S., and that's most of 'em, who sincerely want peace.

Propose a reduction in nuclear arms so the United States will no longer keep the lead in power that it held so long, despite the traitorous efforts of foreign-paid spies.

The U.S. has also been the foremost power in development—although she's never used them—awesome weapons of chemicals and germs.

Take an isolated incident in a Utah desert, where a miscalculation by the military did lead to the deaths from a poison gas of hundreds of sheep. Distort the facts. Scare the hell out of the people. And, sure enough the protective stocks of chemical and bacteriological weapons will be destroyed by the Americans themselves!

If that bumbling U.S. Congress should threaten to vote money to protect American cities against potential attacks by your own intercontinental missiles, start a backfire. Such arming, your friends in high places must insist, is not in the interest of world peace. It might make America's friends, if she has any left, suspicious.

Not that!

Those same fifth columnists should, of course, do their utmost to prevent the U.S. from developing and building any other new weapons, in the air or on the sea or on the land. And, by all means, working at reducing the American lead in the field of civil aviation—the lead she's enjoyed since those Wright brothers left their bicycles and sprouted wings at Kitty Hawk.

Promote inflation. Build the national debt. How about a goal of putting the United States into the red to the tune of $400 billion. That's enough dollar bills to fill 3,456 railway boxcars, making a train 36 miles long. Wow!

Organize more and more "demonstrations."

Pollute the air.

Overcrowd the cities.

Jam the highways.

Promote the sale, use and abuse of drugs.

Ridicule our political and military leaders.

Undermine faith in the CIA and the FBI, especially the FBI.

The formula for dividing and conquering can go on and on.

Could this happen to the United States of America?

Or has it already?

UTAH SYMPHONY

Mr. MOSS. Mr. President, last night the Utah Symphony Orchestra under the direction of Maurice Abravanel, appeared for its first time in Washington, D.C. at Constitution Hall. This appearance was the first concert by the Utah Symphony beginning a Latin American tour that will include appearances in several countries.

We in Utah have long recognized that the Utah Symphony is an outstanding organization and worthy of national praise and reputation. We were pleased to note that the three daily newspapers in Washington, after listening to the Utah Symphony performance last night, agree with our evaluation. I ask unanimous consent that the reviews from the Washington Post, the Washington Daily News, and the Evening Star be printed in the RECORD.

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

UTAH SYMPHONY
(By Paul Hume)

Maurice Abravanel brought the Utah Symphony Orchestra to Constitution Hall last night to give Washington an idea of the way music is made in that state by others than those in the Mormon Tabernacle Choir. It was the orchestra's first concert on its way to a Latin American tour that will carry it as far south as Buenos Aires and Lima before the tour ends early next month.

Abravanel, who is just beginning his 25th year as the head of the Utah Orchestra, gave a friendly audience a good idea of the music of both North and South America that he will play on the tour, as well as one of the staples of the standard repertoire in the First Symphony of Brahms.

The concert opened with a complete novelty, the Third Symphony which Ned Rorem wrote in 1958 when he took leave of the France he loves so much for what he felt might be a long absence. It proved to last 12 years. Rorem, well-known in Washington for his songs and piano pieces, is too much a stranger to our larger platforms, though those with long memories may recall a Cathedral Choral Society-Callaway performance of his "Long Home."

But except for the time the Louisvile Orchestra played his Eleven Studies at the White House on that famous June 14 in the Johnson regime when the arts were honored for an entire day, Rorem's major symphonic writing has been ignored. The loss has been ours. His Third Symphony, with its admirable sense of instrumental style, and a kind of purpose that is highly welcome these days, may bow in the direction of Aaron Copland, but it is very much Rorem's own, and a distinctive work in which are combined both plasticity of form and real appeal in melodic flow.

The visitors from Salt Lake City played the symphony with notable comprehension of both the energetic motion of the work and a finely molded sound in its songful measures.

Alberto Ginastera's Variaciones Concertantes were introduced to Washington some years ago by Guillermo Espinosa and have been heard since then from the National Symphony, but they are still relatively unfamiliar. They stand with Britten's "Young People's Guide," as an agreeable means of getting to know the orchestral instruments. Ginastera, however, is much less exuberant, more reposeful in his traversal of the orchestra. He gives plangent solos to cello, and viola, characteristically excited lines to flute and clarinet, and so on. Much of the time the music is reflective taking on a Latin flavor only in the closing rondo.

Abravanel was justly proud of his first chair players and offered them the audience's hearty applause at the end of an effective account of the music.

It has been a long time since any conductor has brought us as brisk a view of the Brahms First as Abravanel offered. He sees the music as having a kind of forward motion that seldom lets up, and what he does can easily be squared with what Brahms set down. It also makes the most of the kind of playing at which his orchestra is best. Here and there a lack of weight, especially in cellos and basses was noticeable, though this could be compensated for by a greater effort and a more insistent attack from both choirs.

But by his emphasis on the form of the work, all the while giving its famous solo passages time to sound at ease. Abravanel underlined the urgency that is one of the symphony's strong points. This made it the more surprising that he pulled back at the final chorale, but his recovery in the closing measures was again in the classic vein.

The Utah Symphony, conducted by Maurice Abravanel gave its first Washington concert at Constitution Hall last night and immediately established itself as one of the top ranking orchestras in the country.

The concert, a prelude to the orchestra's second international tour, attracted a large audience, which greeted Mr. Abravanel with affectionate applause as he came on stage at the outset and which gave him and the orchestra an ovation at the close.

The program—the Rorem Symphony No. 3, Ginastera's Variaciones Concertantes and the Brahms Symphony No. 1—was a demanding one that fully revealed the orchestra's strong ensemble playing, especially in the Rorem symphony, and its fine array of principles as highlighted in the Ginastera. In the Brahms only a virtuoso group could have responded so well to the headlong pace Mr. Abravanel set for the opening movement. It was, indeed, an impressive concert.

UTAH ORCHESTRA BRINGS MAGNIFICENT SOUND
(By Robert Evett)

Utah Symphony Orchestra. Maurice Abravanel, conductor. At DAR Constitution Hall. Program: Symphony No. 3, Rorem; Variaciones Concertantes, Ginastera; Symphony No. 1, Brahms.

In less than 25 years, Maurice Abravanel has built the Utah Symphony into a splendid orchestra. Now on an international tour, the orchestra appeared in Constitution Hall last night in a program designed to show its many strengths.

The program began with Ned Rorem's Third Symphony, a work neither first-class nor characteristic of the composer, but which has the advantage of calling for a really big orchestra. The last movement in particular is showy and brilliant and sounded good in the performance it got.

Alberto Ginastera's Variaciones Concertantes, written in the early Fifties and among the best of Ginastera's second period, is a concert piece showing off a dozen of the orchestra's first-desk players in solo variations. There was particularly beautiful playing by Oscar Chausow, concert master of the orchestra; by the principal cellist, Christian Tiemeyer; and by Camille Guernsey, the solo harpist. In addition, the wind and brass soloists played with real distinction in an altogether compelling performance.

The concert concluded with a glorious reading of the Brahms First. Abravanel's Brahms is fairly straightforward, and his tempos are lively throughout. His interpretation of the work is a radiant and virile one, and in it his orchestra sounds perfectly magnificent.

The orchestra is taking a substantial repertory with it on its tour. It deserves, and no doubt will have, the greatest success.

TRANSPORTATION DEVELOPMENTS IN EUROPEAN CITIES

Mr. ALLOTT. Mr. President, several times in the past I have called to the attention of my colleagues the significant transportation developments in European cities. One report on these developments, written 2 years ago for me by Gunther M. Gottfeld, was reprinted and quoted in newspapers and magazines across the Nation. At the time Mr. Gottfeld wrote his original analysis, he was an officer of the Massachusetts Bay Transportation Authority. Since that time he has become senior transportation planner for the new Rail Rapid Transit System to be constructed in Baltimore.

Mr. Gottfeld has just returned from Europe again and has written me an interesting letter summarizing the significant statements at the International Rapid Transit Conference in Berlin which was held in the last week of January 1971.

Because Mr. Gottfeld's remarks are pertinent and bear so directly on the situation we are facing in this country, I ask unanimous consent that his letter to me be printed in the RECORD.

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

FEBRUARY 16, 1971.

Hon. GORDON ALLOTT
United States Senator,
5229 New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Knowing of your long time interest in urban mass transportation, I should like to report to you on my recent trip to Europe to attend an International Rapid Transit Conference which was held in Berlin during the last week in January in conjunction with the opening of another new subway section. In addition to visiting Berlin, I also had the opportunity to inspect rapid transit systems in Paris and Hamburg.

The notable impressions of this trip were the continued improvement and expansion of rapid transit and commuter railroad facilities in Western Europe, in contrast to the more slowly evolving progress in the United States. Since 1969, when I attended an International Transportation Conference in London, significant extensions have been completed in such cities as Berlin, Hamburg, Paris, and other cities. Completely new commuter rail networks are under construction in Frankfurt, Munich, Stuttgart, the Ruhr Area, and Paris, as well as a number of other cities.

Of particular interest to me at the Berlin Rapid Transit Conference were statements by the President of the German Federal Railways and the Assistant General Manager of the San Francisco Bay Area Rapid Transit District that in their opinion progress in rapid transit development will come by improving on the existing steel wheel technology, rather than by perfecting a brand new technology. I believe that there is a great deal of merit in this philosophy, because I had the opportunity to inspect the rubber tire technology in Paris, and steel wheel technology in Berlin. I was especially interested in observing both systems during the week which I was in Europe, because of the often assumed noise factor associated with steel wheels. Based on personal observations, however, I found that the new steel wheel subway trains in Berlin were definitely quieter than the rubber-tired trains in Paris.

In conjunction with the Department of Transportation's program in Pueblo, Colorado for developing an improved rapid transit vehicle, may I suggest that serious consideration be given to an in depth study of the new Berlin subway, with particular emphasis on the noise abatement features.

Sincerely,

GUNTHER M. GOTTFELD.

RURAL DEVELOPMENT

Mr. ALLEN. Mr. President, on April 19 the chairman of the Senate Committee on Agriculture, Senator HERMAN E. TALMADGE, and the chairman of the Rural Development Subcommittee of the Senate Agriculture Committee, Senator HUBERT H. HUMPHREY, delivered speeches before the Georgia Association of County Commissioners in Macon, Ga.

These speeches were extremely sig-

nificant, for they provided excellent insights into the purposes and objectives of the Rural Development Subcommittee and the Committee on Agriculture. The Georgia speeches placed the Senate Agriculture Committee's new efforts at rural development in perspective with what has been done for rural development in the past.

These excellent addresses stated the three objectives that the Rural Development Subcommittee will pursue this year: First, to get the true facts about rural America; second, to publicize the plight and promise of rural America; and third, to develop a comprehensive set of recommendations and legislative proposals for dealing with the economic and social needs of rural America.

During his Macon address Senator HUMPHREY proposed a new freedom—the freedom of residence. He stated that all our people must have a realistic choice about where they will live and work.

Senator TALMADGE emphasized that rural development is not a partisan issue. He pointed to the strong bipartisan composition of the Rural Development Subcommittee.

I am proud to be a member of this subcommittee and I look forward to participating in its activities. I traveled with the subcommittee to Iowa and South Dakota on its first field hearings and I believe that this trip was most productive and informative. I will look forward to the subcommittee's Washington hearings and field hearings which will be scheduled in the future.

I ask unanimous consent that copies of these speeches be inserted at this point in the RECORD.

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

TALMADGE LAUNCHES MAJOR COMMITTEE EFFORT ON RURAL DEVELOPMENT

(Speech of Senator HERMAN E. TALMADGE)

Ladies and gentlemen, I am delighted to be here to discuss what the Senate Committee on Agriculture and Forestry and its Subcommittee on Rural Development hope to do for rural America.

You county commissioners probably have a better understanding of the total problems of rural America than most, because you are in the front lines each day, trying to make those local tax dollars go farther than they can really be expected to.

Presidents, senators, and congressmen have shown varying degrees of interest in the term "rural development" for decades. President Roosevelt initiated many programs for rural America as a means to help pull the country out of the great Depression. These rural programs provided the framework for many of those which now exist.

For instance, the old Farm Security Administration predated the Farmers Home Administration, which is now doing a good job of helping revitalize rural areas.

When Ezra Taft Benson was Secretary of Agriculture, the term rural development was often used as an excuse for dismantling farm subsidy programs. Even today some farmers are suspicious when politicians talk about rural development because they are afraid it will touch their pocketbooks.

During the years of the Kennedy Administration, a great many programs were begun. In 1961 the Area Redevelopment Administration, predecessor of our Economic Development Administration, was enacted. Also born during that time were the Appalachian Regional Commission and the Title V commissions.

In the Johnson years, most of the concern about rural development was centered around the War on Poverty, and it looks more and more as if the rural development portions of Mr. Johnson's war will have the most lasting effect.

Under the able leadership of Orville Freeman, the Agriculture Department began several programs useful to the improvement of rural America. The role of the Farmers Home Administration was increased dramatically. The best example here is the insured loan program for home building.

Our presidents have not done all of the inventive work in this important field. As far back as 1949, Senator John Sparkman held hearings on the establishment of an Area Redevelopment Administration, and it was Senator Sparkman who was the driving force behind enactment of this legislation in 1961.

As Chairman of the Senate Committee on Agriculture and Forestry for 18 years, Senator Allen J. Ellender has been an avid supporter of all programs aimed at revitalizing rural America.

We Democrats don't have all the copyrights either. No man has done more to revitalize rural areas than the Senate's senior Republican, George D. Aiken of Vermont. It has been Senator Aiken who was responsible for the program which provides loans and grants for water and sewer facilities under the Farmers Home Administration. And last year Senator Aiken successfully pushed through a law authorizing construction of water-based recreation facilities in rural America. Presently the senator is fighting for adequate funding for these programs.

And this brings us to a major point.

Many of the fine programs developed in the past several years have never really fulfilled their promise and many have not done the kinds of jobs they were created for.

In 1968, the Congress amended our housing laws to provide for Federal grants to help the states in the development of rural multi-county planning areas.

It was excellent legislation, and Georgia is the best existing proof of the real effectiveness of multi-county planning as a solution to rural problems. Many of you here in this room have shown dramatically that regional planning is not some pie-in-the-sky idea, but it is something that produces fruitful action and positive results. That's what we are all interested in here.

Unfortunately, the 1968 amendment has only received a miserly amount of money, sharply limiting the implementation of multi-county planning across the nation.

Gentlemen, this is typical of our efforts thus far in the field of rural development. Those efforts have been sporadic, and today's desperate social and economic conditions out in the country show that we have done too little, too late.

When we compare the need for rural housing with the 94,000 people who were helped by the Farmers Home Administration program in 1970, we can understand how inadequate present efforts are.

We are not going to solve the housing problems of rural America by helping 94,000 families when 54 million people live outside our larger cities.

Rural America has only 26 percent of the nation's population, but it has fully two-thirds of the substandard housing.

How many of you commissioners have stood hat in hand at the Department of Housing and Urban Development or the Farmers Home Administration trying to get grants and loans for water and sewer lines? And what were you told? There is no money.

We hear a lot of fine talk in Washington about air and water pollution, but what good is talk?

Two hundred and fifty million gallons of raw industrial waste and 225 million gallons of raw sewage are dumped daily into Georgia waterways. Only 50 percent of Georgia's population is on public sewage, and only about half of these are connected to systems which provide adequate treatment.

Congressman Stephens and I fought last year to get full appropriation of the money authorized for the HUD program of water and sewer grants to small towns, only to have the President veto the $18 billion HUD appropriation bill because he said that the bill contained too much money for water and sewer grants. The President said that the $500 million appropriated for water and sewer systems in small towns across the nation was too much, even though it would take about $12 billion to provide adequate water and sewer systems for the nation's small towns and communities.

Last year the Congress appropriated $100 million to be spent under the Farmers Home Administration water and sewer grant program. The Administration is refusing to spend one-half of this amount.

All of you know that I am not a big spender. However, I know the need for water and sewer facilities in rural America. You folks don't let me forget it. Daily I hear from small town and county officials who desperately need Federal funds to build or improve a water or sewer system.

I cannot accept a system of priorities which dictates that we spend billions of dollars around the globe while we cannot spend even a pittance to provide basic sanitary facilities for our own people.

I suppose many of you wonder why I became so involved in what we call rural development. Well, it's easy to explain.

As a member of the Senate Committee on Agriculture and Forestry, I have been working on farm legislation for many years. The farm programs we have on the books have been extremely helpful to American agriculture, but unfortunately none of them is doing the job we desire. None of these programs can provide a solution to rural problems, and none of them can stop the persistent flow of people from the country to the city.

I find it difficult to describe to you how frustrating the deliberations were on the 1970 farm bill. As I sat day after day discussing the farm program it became clear that those of us who were interested in the prosperity of American agriculture would never be able to get the kind of bill we thought was needed to provide parity of income for the American farmer. Even as we deliberated, it was revealed by the USDA that parity was at its lowest level since the great Depression, and no one seemed to care.

It is almost as if this country and its leadership have lost interest in a healthy economy for agriculture, and for the people who work so hard to make this the best fed and best clothed nation in the history of the world.

But it was also evident to me that even if we did secure the passage of legislation guaranteeing one hundred percent of parity for all farmers, we would still have done very little to benefit those who think of the country as home; people who want to stay where their roots are but cannot because there are no jobs, and few incentives to remain at home.

Therefore, I decided that the Senate Committee on Agriculture and Forestry should be concerned about the overall economic development of rural America, as well as basic farm programs. I felt the Committee should be concerned not just about farm parity, but a parity of rural income, a parity of rural services, parity of housing and parity of rural living conditions.

I introduced an amendment which would lay the basis for increased Congressional efforts regarding rural development. The amendment was adopted and became title

IX, the rural development title of the Agricultural Act of 1970.

Title IX is a beginning. It calls for reports from the Executive Branch in five different areas, which should prove helpful to the Congress in legislating on rural development.

One section of the amendment directs all executive departments and agencies of the government to set up policies which would give preference to areas of low population density when establishing new Federal offices and facilities.

The Federal government is by far the nation's largest single employer. The matter of where Federal facilities are set up can have a tremendous economic impact in a rural area. And it can have an enormous detrimental impact when located in some already crowded urban area.

I cannot adequately describe to you the fearsome sight of 500,000 cars crawling over the river bridges into the District of Columbia each day. Downtown Washington, along with many other large cities, has become one huge parking lot.

It has always amazed me that the Federal government, with its tremendous power to affect the economies of the nation's towns and cities, has never established any clear policy for giving an area's population density and its economy some consideration in the location of new facilities.

With modern communications and transportation what they presently are, it is no longer necessary to bunch together Federal facilities into high-rise rabbit warrens.

My amendment requires reports from the Administration in four other areas. One that is of considerable interest to me is a report showing the level of services out in the country—an annual report stating the availability of telephone, electric, water, sewer, medical, educational and other government operated or regulated services to rural areas. The President would also be required to outline his efforts to improve these services each year.

America must know how inadequate the living conditions are in much of rural America. Many of the basic things taken for granted by city and suburban people are just not available in many rural areas.

Unfortunately, the President's first report in response to the Title IX amendment does little to illustrate this fact.

I wanted a comparison between the levels of city and rural services. Yet the Administration report contained no such comparison. It didn't even compare present levels of things like telephone, water and sewer services with previous years.

I hope sincerely that through the work of the Rural Development Subcommittee, a dialogue can be established between the Congress and the Executive Department that can be translated into action on your behalf.

An important part of my rural development amendment was language committing Congress to achieving a sound rural-urban balance, and stating that the highest priority must be given to the revitalization and development of rural areas.

I intend to see that Congress keeps this commitment.

The Subcommittee on Rural Development will look at all present Federal programs aimed at improving the economy and living conditions in rural America, rather than just limiting its inquiry to a fragmented handful of rural development bills. Hopefully innovative new programs will come from these investigations and studies.

The Subcommittee has a big job to do, and I have chosen a big man to get the job done. Senator Humphrey is one of the best versed men in the Senate on the problems of agriculture and rural America.

I have worked closely with Hubert Humphrey in passing needed farm legislation since I came to the Senate.

But just as important for this effort is Senator Humphrey's standing in urban America. If we are to make real progress in revitalizing rural America, we must have the support of the nation's city dwellers.

Unless we can convince our urban friends that it is to their advantage to support programs which improve living conditions in rural America, programs which will finally stop the interminable migration to the cities, we won't be able to do much more than talk about our problems.

I believe Senator Humphrey is a man who can bridge the gap between the urban interests and rural interests.

I believe that the need to really do something about rural renewal is an issue that will bridge regional and philosophical lines—something behind which liberals and conservatives can unite. It is an issue as important to Minnesota as to Georgia.

And it's not a party issue. We have on the Rural Development Subcommittee three distinguished Republicans. One of them is Senator Robert Dole, chairman of the Republican National Committee, who was an original sponsor of my rural development amendment.

Now if a couple of stout partisans like Hubert Humphrey and Bob Dole can agree on an issue, then you must believe that there is something to it.

And I believe there is something very big to it, gentlemen. For the first time in our nation's history there are fewer than three million farms. Fine little towns are drying up and blowing away.

The population patterns which have sent most of our population to two percent of the land are simply wrong.

We owe it to our children and our nation to make the changes that we know must be made.

Humphrey Joins Talmadge in Launching Major Committee Effort on Rural Development

(Speech of Senator Hubert H. Humphrey)

I want to say right at the outset that without the foresight, the commitment, and the hard work of my good friend, Senator Herman Talmadge, there would be no law requiring that the highest priority be given to the revitalization and development of the rural areas of America, no commitment to a national growth policy establishing a sound balance between rural and urban America, and no Committee in the United States Senate devoting its entire attention to rural development.

That we now have the authority at the national level to set out upon these totally new directions is the result of the dedication of one man, Herman Talmadge, the new Chairman of the Senate Committee on Agriculture and Forestry. And it was Senator Talmadge who gave me the opportunity to help implement this new thrust at the revitalization of rural America in my appointment as Chairman of the Senate Subcommittee on Rural Development.

This mandate for the Subcommittee is provided by Title IX of the Agricultural Act of 1970, an all-important title introduced and pushed through to enactment by Senator Talmadge. In addition to establishing a national commitment to a sound balance between rural and urban America, this Title also requires the Administration to give Congress specific information each year on Federal programs and services to the people of Rural America. And you can be certain that the Senate Subcommittee on Rural Development will closely examine this information with a view to substantially improving and redirecting this Federal effort, which I believe is now woefully inadequate in the face of the critical problems confronting our Nation.

Gentlemen, I think it's time for all of us to ask, where is this country headed?

In the short period since World War II, our population has grown by 55 million people. The value of the goods and services we produce has grown from $280 billion a year to nearly a trillion dollars. The two-home family is becoming nearly as commonplace as the two-car family.

Sounds pretty good, doesn't it?

But wait, there's more.

Three million farms have disappeared in the technological revolution that is still sweeping agriculture, and only about one in five of our farm boys can remain on the farm.

More than 20 million people have abandoned the small farms and towns for the cities, so that 75 per cent of our people are crowded onto less than 2 per cent of the land, 25 per cent occupy all the rest—many of them in lonely decline, while their city cousins live in overcrowded disorder.

The result of all this movement has been a national crisis of the environment, which in many respects lies at the heart of all of the talk about ecology we hear today, and this problem of the changing relationships between the people and the land has festered the social and economic sores which have erupted around us.

If the trend to megalopolis continues, in the next 30 years 100 million more Americans will be crammed into the big cities where 150 million are already living.

To look at it another way, if these 100 million new Americans were to live in newly created communities, a city the size of Portland, Oregon, would have to be created every 40 days over the next 30 years.

We have become a troubled nation.

We are vaguely aware that we could have shaped our society with consideration for resources, people and space, demanding quality as well as quantity.

Instead, we have rushed after something we call "progress", piling more and more people into less and less space, on territory made obsolete by modern transportation and communication.

I for one, think these trends can be stopped or at least slowed down and possibly reversed. Certainly a nation which has explored outer space for a decade can muster the energy and technology and the will to create a life here in our country that offers opportunity and decent living conditions for all.

But we must understand that the land, as space to live on, is taking priority over the old idea of the land as something to be exploited, no matter what the consequences.

The changes that will be necessary must be based on nationwide geography and not just political geography. We must head toward a rural-urban balance—a healthy balance between the people and the land.

The fact is, we have space to spare. But it's time now to stop fooling around with it as if it were a limitless resource. Government—all levels of Government—must begin planning together. We must begin to do those things which will influence our nation's growth in a more orderly way; in a way that is designed for people, rather than expediency.

We must design a national growth policy. That policy must have as its central premise the relationship of people to land, water, air and resources. There must be a healthy balance that permits people to live in harmony with this environment.

I'm sure you folks are wondering what Hubert Humphrey has in mind. What is he going to do to lick this problem of rural outmigration so that we can strike a balance between the big cities and rural America?

Well, I'll tell you one thing. I don't have all the answers. That's why I'm going to conduct an extensive investigation into just what thes problems and needs are.

And we intend to find some answers. The more we look at rural community development, the more I'm convinced that most of the experts are only experts in making gen-

eralizations. Our subcommitte is going to get the kind of hard facts that are needed to develop a sound legislative program.

We'll have 3 objectives:

First, we must get the true facts about rural America. We'll do it with hearings in Washington; some first-rate staff work; and field investigations that will take us out where the people and the problems exist.

Secondly, we must publicize the plight and the promise of rural America. Unfortunately, the deterioration of our countryside doesn't grab the same kind of headlines as some of the more strident explosions occurring in our central cities.

And finally, the Subcommittee will try to develop a comprehensive set of recommendations and legislative proposals for dealing with the depressed economic conditions of our rural areas and the critical needs of their people—conditions and needs that have caused a massive exodus from the farm to the city.

But to meet this major national problem head-on, this Congress must proclaim a new freedom—a *Freedom of Residence*. We must establish the right of *all* our people to have a realistic choice about where they will live and work—not a choice dictated by politics or economics.

This means that young people will not be forced, as they are now, to migrate to large and turbulent metropolitan areas because there are no jobs at home. This means that people who may want to live in small town areas can expect to find good schools for their children, a decent transportation system, and the best of medical care and medical facilities. This means new industries, modern social service and cultural activities. It means that Americans should be able to enjoy all the benefits of life, liberty, and property not only in big cities, not only in suburbs, but all over America.

A century ago, "Go West, Young Man" was more than a tourist travel slogan. It was a firm national population policy designed to help America's best interests.

Accordingly, the Federal Government gave incentives to settlers—the Homestead Act, and the Federal Government gave incentives to railroads to open up the West—large land grants to the railroads made some people millionaires who probably didn't deserve it, but they did provide highways of steel to bring in people and bring out the crops. And just a little more than a 100 years ago the Federal Government encouraged the growth of higher education in the Mid-Western and Western areas by establishing the Land Grant College Act. The Government was concerned with the everyday necessities of life as well: In 1896 a Federal act established the Rural Free Delivery Service.

And then, somehow, we stopped. As farming became more mechanized in the early decades of the century, as Americans tumbled into cities and then out of cities and into suburbs, just when we needed a population policy—we stopped.

We have seen what a non-policy population policy has done to rural areas. Men in politics are trained to find answers to the problems of the people—not to say that there are no answers or there are no problems. There are problems, and there are answers.

We must develop a long range population policy in the United States to bring the vitality back to rural areas. Americans must enjoy the Fifth Freedom: The *Freedom of Residence*. And we must start *now, now*.

We already have a number of laws on the books providing for Federal assistance to rural America, and progress is being made in some areas. But we have yet to look at the problem in terms of an overall solution. I'm asking the Governors to tell me what their states are doing to stimulate rural community development, and their experience in dealing with Federal programs to stimulate rural development.

I believe our trips over the nation will point out some distressing and little-understood facts. I believe we will find that rural Americans are often discriminated against in many different ways:

They are less likely than their city cousins to have the opportunity for quality education.

They don't have the health and dental facilities that they desperately need.

It's difficult to find jobs in rural America that pay a living wage.

Our country cousins often don't have access to meaningful job training and unemployment compensation.

Public transportation in rural America needs expansion and modernization.

We still haven't done the job of getting water and sewer facilities into the country, not to mention things like fire protection and sufficient decent housing, libraries, hospitals and medical services.

Only when the nation is aware of the economic and social discrimination against rural America, only when the nation is aware that rural problems are forcing millions to move to our congested cities, will we have the support we need to implement policies which will insure parity in all things for rural as well as urban America. We have yet to consider our urban and rural problems in the light of a need for a national growth policy—a national plan to achieve rural-urban balance.

To get the facts, we shall hold hearings in several areas of this nation. But there will be much more than just hearings. We're going to get out and talk to the farmer, the rural businessman, the teacher, the preacher, the young and the not-so-young.

Our tours will be supplemented by intensive staff work, by analysis of the data and information as it comes in. Already, I am writing to every Governor, seeking his views on rural community development.

It seems from where I stand that concern for rural segments of our population is the lowest priority item on the national budget.

In the past, Congress has adopted a number of programs in the name of rural development, but all of them are inadequately funded.

For example, let's take a look at rural housing. Although rural America contains only one-third of the nation's people, fully two-thirds of our substandard housing is out in the country. The Department of Housing and Urban Development spends some money on rural housing programs, but not much. That agency's primary concerns are the cities and the suburbs.

You say that's not so bad, because we still have the Farmers Home Administration. Well, for some reason the Administration tried early this year to cut the FHA's insured housing program by almost $500 million for the remainder of fiscal year 1971. This would have brought the program to a standstill in several states, including Georgia. Fortunately, the White House heard from thousands of protesting Americans, and the money was restored.

But the present Administration has simply refused to spend nearly one billion dollars of money which Congress appropriated to help rural America.

These are but a few examples of how rural America is forgotten when it comes to the handing out of Federal dollars.

Hopefully, the efforts of our Subcommittee to publicize the needs of rural Americans will generate public support for enough money for rural development programs.

Until we do generate this support, we will have a hard time passing additional legislation for rural development.

Now I know many of you County Commissioners out there are asking yourselves, "How does this fellow Humphrey stand on the bread and butter issue of revenue sharing?"

Well, I'll tell you.

I favor general revenue sharing. As a matter of fact, Congressman Henry Reuss of Wisconsin has joined me in sponsoring our own legislation on revenue sharing.

And I favor some reorganization of the Federal System to make it more efficient, but I am not prepared to junk many of the assistance programs which have meant so much to both rural and urban Americans.

Let's take a look at the Administration's so-called Rural Community Development Revenue Sharing Act of 1971.

The President's Message on rural revenue sharing had some good language in it, a good understanding of many of the problems which beset rural America.

But there are some things which disturb me, too.

You must understand that to provide for rural revenue sharing, the Administration didn't find a new source of money, or some goose that lays golden eggs.

Instead, in order to come up with the dollars for rural revenue sharing, some things were cut out.

First to go would be the Commissions like Coastal Plains and the Appalachian Commission. That will provide $316 million.

Now I will be the first to admit that these Commissions have not produced all that they promised. But at least they offer an opportunity for states with similar problems the opportunity to sit down and plan together.

And one of your own Georgians had this to say in testimony last February about the relatively small amount of money spent in this State's northern counties for the Appalachian Program:

"The overall statistics for the region are showing healthy signs of a turn-around. No longer are we declining in population, and no longer is the average age of our residents increasing at an accelerating rate. Property values are now increasing at a rate of 6 per cent annually, rather than 4 per cent, and employment opportunities have multiplied better than 5-fold."

The people of Toccoa, Georgia have a new library which wouldn't exist if there was no Appalachian Regional Commission.

Now I ask you, is this the sort of program you cancel and walk away from? I don't think so.

The Administration will take another $227 million from EDA, the Economic Development Program that has done more to rebuild Rural America than any other.

All of you from the smaller counties want to attract good, solid industry to back up your economic base of agriculture. Well, ask the folks in Waynesboro where they are getting the money to develop a new industrial park. They got it from an EDA Industrial Development Loan.

Georgia received nearly $7 million in EDA grants and loans last year. That's seed money, my friends, something you can build on—the bootstraps which many of you need so badly by which to pull yourselves up.

I, for one, don't intend to have the EDA program simply slip down the drain.

We all know that sewer and water systems don't hold much political sex appeal. But without such facilities, none of your towns can grow. The Rural Water and Waste Disposal Program has just gotten off the ground, and it concerns me that the President will get $42 million for his revenue sharing plan by taking it away from that program.

Under the President's proposal the grant money for water and sewers would go to the states. But jurisdiction for the loan portion would remain with the Farmers Home Administration. Now you know that most of the water and sewer systems built under this program have been a combination of grants, plus loans.

I was under the impression that revenue sharing was supposed to end the red tape. But it seems to me that if you have to go

to your state for a grant, and then to the FHA for a loan, the amount of red tape would be greater, not smaller.

Another source of the Administration's rural revenue sharing funds was to be the money which is currently spent on the Cooperative Extension Service, $149 million.

Apparently the Administration has not foreseen the grass roots rebellion at this idea. When rural Americans found out that their extension service—their county agents and home demonstration agents—could be eliminated under the President's proposal, Congressmen and Senators and the President received a barrage of mail and telephone calls. I am sure that many of you County Commissioners expressed your objections to Senator Talmadge. I certainly heard from the County Commissioners in Minnesota.

Rural people know that there is no program more valuable to rural America than the Cooperative Agricultural Extension Service. They are not about to see this program go down the drain without putting up a fight. Fortunately, the Administration realized its mistake. In the bill which was recently sent to the Congress, the Administration included a proviso which says the States must maintain an extension program comparable to that in existence in fiscal year 1971.

This new provision is certainly a welcome change. However, I feel that any transfer of extension program funds to a special revenue sharing fund could mean the eventual elimination of the extension service that we know now. Certainly, the least that is done by this revenue sharing proposal is to insure that the extension service has little chance of further growth and progress.

To summarize my position on revenue sharing for rural areas, I favor revenue sharing if it means more Federal dollars rather than less. I do not favor a proposal which takes money from programs which now benefit farmers and rural Americans. I will oppose any program which takes money out of the farmers' pockets.

We must add industry to the small towns of the State and Nation. These industries are badly needed to absorb farm workers who are displaced by mechanization. However, we must do everything within our power to bolster the agricultural economy of these areas.

We have to build on our economic base of agriculture, not risk that base in the name of rural development.

In spite of my reservations, I believe that the Administration's revenue sharing bill deserves a fair hearing. There are many questions that must be answered. For that reason, I have scheduled hearings by the Subcommittee on Rural Development on the Administration's proposal on April 23.

During the course of the year our Subcommittee will hold hearings on a number of legislative proposals. Currently the Committee staff is working on legislation which would establish a Rural Development Bank, a bank which would provide financing for basic services for small towns and communities of the Nation. I shall also introduce a bill to establish a National Domestic Development Bank. This bill is designed to provide financing for towns and cities of all sizes.

The Subcommittee's journeys through rural America, its Washington hearings, and the work product of the Committee's staff should give us an adequate base for developing a new legislative program—a comprehensive program which will provide for a national growth policy, the financing to carry out this policy, and the technical assistance and leadership which would be required to implement a policy of *balanced* national growth.

I have told you what I, as Chairman of the Senate Subcommittee on Rural Development, plan to do. Now let's discuss what you, the local leadership, must do. It is you, the local County and City officials, who must make any national program of rural revival work.

We in Washington can enact the laws, we can approprite the money, but if we don't have clear communication, precise understanding, and cooperation with you, then our efforts are of no avail.

Now I think it's important that we talk a little philosophy right here.

For years now, we've had a situation where country politicians have made their political hay by attacking those "evil" city folks, while in the big cities, they have been demagoguing about the reactionary forces of Rural America.

Well, it's high time—in fact, imperative, that we all stop shooting one another down and begin working together.

There may be some of you who can't fancy yourselves in some love affair with the lawmakers from Atlanta, so let me explain what I mean.

We have big cities and suburbs in trouble. And while they try to deal with the problems of yesterday, hundreds and hundreds of people from rural America get off the buses today, putting pressure on already overloaded urban systems and adding to welfare rolls.

It is a little like the pressure put on a filling balloon. There is no way to relieve it—at least not the way we are doing things right now. And if we don't make some changes soon, a whole cluster of ballons is liable to pop, despite the best efforts of city governments all over this country.

Now let me make my point—I have heard that down in South Georgia, in Thomas County, there is a town called Metcalfe. Before the 1920's Metcalfe was a proud and prosperous place, surrounded by some of the best farms in the South.

During the season, the two cotton gins in Metcalfe ran 'round the clock; there was a busy Farmers' Market; Bank; and even a hotel called the Russell.

But then the boll weevil came, and by 1924, both gins had closed and the bank moved to Thomasville. Metcalfe was in the throes of death. And today, the tiny grocery still in business has a sign on the front door that says, "Food Stamps Accepted Here."

Regrettably, there are too many Metcalfes in this country, too many in Georgia, too many in Minnesota—fine little towns full of good people who love the land and their country; obey the law; and pay their bills on time.

But the children of these Americans have moved away to the Jacksonvilles and Atlantas. In the small towns these people still think of as home, there are no opportunities. There are no jobs. No futures.

Most of these former 4–H'ers and Future Farmers, along with the rural poor have emptied into our large cities. Sometimes it was the boll weevil that made them move. Perhaps it was mechanization of our farms. Whatever the cause, we know that if there is to be a healthy, productive, prosperous and free America, we must rejuvenate, revitalize, and modernize the vast areas of Rural America.

I'm not going to stand here and tell you that I want to start some massive back to the farm movement, but you and I have got to give the young people who are still growing up in our rural counties some reason to want to stay home. I believe that if we can develop the industries and shops, create the jobs, build the schools, provide the healthy and recreational services in Rural America, those young people will stay, and many of those who have left will return.

Senator Talmadge has made an important beginning in this effort with the rural development bill he passed in the last session of Congress over the objections of the Administration.

But he knows there is much more than we in the Congress must do. Our Rural Development Subcommittee begins hearings this week on this whole broad area. Beginning with an examination of the President's Rural Revenue Sharing Plan.

But what Congress does will matter very little unless this unending political war between rural and urban interests begins to cool off. Mark this very clearly. Rural and urban America are tied together. They are inseparable. If one goes under, both go under.

Senator Talmadge and I stand together on this business of a balanced growth for both rural America and our cities, because we are not talking about a city problem or a rural problem. It's neither a liberal issue nor a conservative issue. It's not Northern, Southern, Eastern or Western, it is the very life of our country.

This is something we must face together as Americans. The issue at hand is the Nation's destiny. We all have a big stake in it. All of us will have to make some changes in the way we have been thinking and doing things, and there won't be much room for quitters along the way, or those who protest, "Well, we never did it that way before, so it can't be much good."

We have to plan, Gentlemen. Our troubles do not end at state or county lines.

Unless we get cracking, at the Federal, State and local levels, our cities could erupt in chaos, and there won't be any future for farmers. The family-owned business which has been at the heart of our rural economy will be gone.

I don't want this to happen, and neither do you. But we have to get going, and it will require the best efforts of all of us.

We had better stop moaning about our problems and begin treating them as challenges. Despite our troubles, there is nothing that we in this country can't do if we put our minds and our wills to it.

You can count on Senator Talmadge and me. And I know we can count on you. So let's get busy.

WINNERS OF THE WICHITA FALLS ROTARY CLUB'S ANNUAL AMERICANISM ESSAY CONTEST

Mr. TOWER. Mr. President, each year the Rotary Club of Wichita Falls, Tex., sponsors an essay contest involving senior high school students throughout the city. Awards are presented to the author of one outstanding essay in each of the four high schools, and today I have the great pleasure of once again placing the winning essays in the CONGRESSIONAL RECORD for the perusal of my colleagues in the Senate.

These essays, entitled "What America Means to Me," help to reinforce my personal feeling that America's youth continue to cherish the idea of patriotism. Thoughts of individualism, freedom, and equality under the law are certainly emphasized in the writing of these four fine students.

I, therefore, ask unanimous consent that the essays be printed in the RECORD.

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

WHAT AMERICA MEANS TO ME

(By Debra Peterson, age 18, Wichita Falls, Tex., Hirschi High School)

Taps are played for casualties in Viet Nam. The ghettos are shrouded under the cloak of martial law. A young rebel burns the American flag. Next to these happenings, a city council meeting is held to bring up ways and means to help the poor in the city; a group of mothers are getting up a petition to open a Youth Hall for the teen-agers of the community; a church group is trying to reach, comfort, and bring happiness to the

families in their city who have no father or mother. This is America!

America means freedom—the flag that is flown symbolizes this freedom. The flag stands for the right to learn about this country of mine and how it was won. This country was gained by the blood of our men and women, the toil of our ancestors. By their life and death we have freedom, within reason, to do what we want, go where we want, and say what we want to say. This is America and what it means to me.

America means the right to worship as I please. The thousands of churches standing in this country symbolizes this right. In my church, I can worship the Creator, the God in heaven who gave me this country to live in. Through this worship, I can fulfill myself completely as a person. This is America and what it means to me.

America is also the responsibility to learn ideals that will help me so that in turn I can help others. Schools, colleges, and libraries represent this responsibility. Through these, I learn the opinion of others, even though what they say may be good or bad. But in reality, there is no wrong in saying something against this country if the accusation is well-founded and if there is an effort made to correct the wrong. This effort should be made by the accuser and those around him. To learn from school, from books, conversation, and from my own soul and mind is given to me by America. This is what America means to me.

America is the right to joke, to laugh, and to be serious. It is the right to be myself, make my own decisions in my life without someone taking this right away from me. It is the freedom to do what I can to help my country without having dictators demand my life and my mind for their own use. I am not old enough to make world decisions or even local decisions; I do have the right to have a part in these things that will affect my life and the lives of others as well. This right I will use to the best of my ability—to help the country that has helped me. This is America—"My Country, the land of my birth, the grandest on earth!"

WHAT AMERICA MEANS TO ME

(By Charles Pavlick, age 17, Wichita Falls, Tex., Notre Dame High School)

I feel fortunate to be an American citizen because here I can enjoy a way of life superior to any place else in the world. Here, I am respected as an individual, I am considered equal to other people, and I am granted the freedom to which all men have the right.

In some countries the individual is important only in that he contributes to the state. He is considered expendable, and his happiness and his welfare are unimportant. He must work at whatever job is most beneficial to the government and if it serves the interest of the government, he can even be forced to give up life itself. In America, on the other hand, the government exists only for the protection and well-being of the people. In itself, government is not important. Its purpose is solely to protect the rights which God gave to man at Creation.

In America I am equal in the eyes of the law to any other citizen. This does not mean that I am as talented, intelligent, or wealthy as any other individual, but it does mean that my claim to life, liberty, and happiness is just as important as any other individual. Here I am not bound by the accident of birth but am free to receive a better education than my parents had and to improve my way of living. The state does not tell me that I must quit school at a certain age and start to work, nor does it choose my occupation for me. I am free to choose my vocation according to my interests and capabilities. Here I also have political equality. My vote is equal to the vote of any other citizen regardless of his color, race, creed, or social position.

As an American, I am free to form my own ideas about politics and religion, among other things. The government does not tell me that I must attend a certain church or that I may not attend any church at all. I don't have to worship in secret, but rather the church doors are wide open. I do not have to agree with the political party in power, but am free to dissent. When election day comes, I have a choice of candidates to select from, while in some countries I would have no alternative to the state ticket. Thanks to freedom of the press, our news media are the envy of many other countries, who tune in secretly to our *Voice of America* and *Radio Free Europe*. I am free to live wherever I choose, travel wherever I want to go, and choose my own friends.

In short America is the source of all the things that make life worth living. For the rights and privileges which I enjoy, men have fought and died in the past and are still fighting and dying. I feel that I too have a part to play. It is not for me to receive these rights without any effort. Rather, if I am to continue to enjoy them, I must guard and protect them in various ways: by taking an intelligent interest in government, by not just dissenting but working to change unfair laws and unjust conditions, by voting in elections, and not least, by caring for the rights of fellow citizens. If I do all these things, I feel certain that I can pass on all the rights which I have enjoyed to my children and grandchildren.

WHAT AMERICA MEANS TO ME

(By Janet Stout, age 18, Wichita Falls, Tex., S. H. Rider High School)

America is my homeland, my refuge, my restraint, and my responsibility. She is as demanding and as giving in a relationship as any human being. I have as many and as mixed feelings about her as I would about any person with whom I am acquainted or any friends.

First, I love America. She is like a cherished relative who is always there. I was born in America. I am growing up in America. Just as a relation, she was here when I was born; and, though she has always been here, she has changed and grown as I have. I love America because of sentimental reasons, but I also love her because I am part of her and she is part of me.

Besides my love for America, I also respect her. I trust her to be here always. I respect her for her goals, and I believe that she is entrusted to God. I trust in her wisdom. Though like a loving parent, she can not always be right, she tries, like a parent, to protect her family. Americans are a family; and with the love of a family, with the instinct to protect the family, America is guided by paternal judgment.

By the same reasoning, as a member of a large family, I know rules and regulations are necessary. I know that, to be part of America, I am part of something that has meaning, direction, and goals. Sometimes my goals or beliefs may come in conflict with those of other Americans. I am restrained at these times because I am part of that whole, that family unit which must consider the welfare and benefits of the whole.

Because I am part of America, because she is my homeland, because she has my respect, and because she has a power over me legally, I have a responsibility to her. This responsibility does not include only obedience or loyalty, though that is part of it, but it is a responsibility of truthfulness to myself and to the rest of my "family." Just as America is not perfect, neither am I. Neither is either of us always right. Because I know and accept imperfection, I feel my responsibility to America is *not* to follow blindly but rather to question, to test, and to sometimes oppose decisions of America. This does not mean I love her less, that I respect her less, but that I love her more; for what I do for or about her, affects not just her, but affects me, also.

America means a home, a place where I belong, an idea I am bonded to, and a responsibility. America cannot be described in physical terms only, but must be considered in terms of feeling and being. She is ultimately a combination of places, personalities, and ideas-unique unto herself.

WHAT AMERICA MEANS TO ME

(By Vicki Ferguson, age 18, Wichita Falls, Tex., Wichita Falls High School)

I could have been born anywhere—amidst bloody battles or stinging, poisonous flies. My home could have been a darkened, gloomy prison and my mind an ignorant, underdeveloped apparatus used to promote false communist means. A dreary metallic curtain could have blocked from my eyes the sun; but luckily, I was born in America, and truth is my unquestionable right.

In America, I mean something. I am respected here for what I believe. My leaders will listen to me because of that fourth branch of government, that fourth balance in power the Constitution fails to specify—the will of the people. I may be just one of millions, but if I am in trouble or in need, America will not let me suffer. Even though I am nobody special, America will not let my life be thrown away. She respects me. She will not misuse me or my meager talent for her own satisfaction. If she has any fault in her dealings with me as a person, it is the possibility that she has been too generous with one undeserving. She has given me a chance to go to excellent schools, to decide for myself my future, and to lounge in the glory of her beauty, even though I have often shown poor judgment in my treatment of these gifts. I am that important here. I am entrusted with a most valuable, cherished possession—one that men have died for and fought to protect from defilement and destruction—I have the right to call myself a free and happy person, a special being, an American.

In America, I have something. I can look around and find myself rich enough to claim the life I want. I know my country will not destroy my dreams of home, of love, and of children. America is probably the only place where young people can dream, then search for the good ways of living they find in their minds. We have so much in this freedom, enough to accomplish anything in man's power and more. I also have my government. Because I am a citizen, my hands support it. Its failure is my failure, and my failure is its weakness. I have a strong friend in my country. I may do nothing for her, yet she sees to it that I am cared for, that I have a fair chance at life, and that I have churches, schools, doctors, and counselors to help me out. Everyone who is an American is wealthy—in freedom, in help, as well as in material things. We, the lucky Americans, have so very much in our freedom that our complaints fall cold to a stiff earth.

In America, I can do something. I have the time and the resources to save the world, if only I would. God gave man an extended chance when He gave him America. He gave corrupt, lazy man a chance to free the world from war, from hate and prejudice, from the dog-eat-dog existence of old systems and callous tyrannies. In America, I am totally free to live as God wants me to live. This is a privilege my country granted me. I am lucky to be born in America—this is how I feel about this country.

NO FISCAL DIVIDEND UNTIL 1975

Mr. PROXMIRE. Mr. President, according to Charles L. Schultze, the former Director of the Bureau of the Budget, an exhaustive and detailed analysis of

the Federal budget indicates there will be no fiscal dividend between now and 1974.

Mr. Schultze made his prediction in testimony before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee on June 1, 1971. The subcommittee is currently conducting hearings on the economics of national priorities. This is the third consecutive year that the subcommittee has conducted hearings on the subject of national priorities.

To obtain a reordering of priorities, a major change has to occur in the allocation of resources. The administration claims this has been done, that our priorities have been changed dramatically in the past 2 years. A close look at the budget indicates otherwise.

For one thing, there can be no shift from a wartime to a peacetime economy while the Nation is still burdened with a wartime defense budget. Two years ago the defense budget was about $80 billion. This year, the administration is once again requesting an $80 billion defense budget. Even taking inflation into account, such an enormous outlay for military purposes is not consistent with the claim that we have successfully managed the transition from war to peace.

In this year's annual report of the Joint Economic Committee, the concept of defense was expanded to include all expenditures related to national security, whether funded through the Department of Defense or not. The national security budget was then totaled for the years 1965 and 1968 through 1972. What we find is a most disturbing picture.

The national security budget went from an already high level of $71.6 billion in 1965 to $103.6 billion in 1968, and then to $106.1 billion in 1969. Since 1969, national security outlays have fluctuated between $105 billion and $107 billion, and now promise to resume the upward climb. Requested budget authority for 1972 is $111 billion.

Perhaps a peacetime economy is no longer an attainable goal, given the state of military technology and the international environment. Personally, I do not believe this to be the case. But if the administration believes it, then the American people ought to be told.

An analysis of the major changes in overall budget outlays for fiscal year 1972 suggests that the administration is moving at glacial speeds, if at all, to reorder national priorities. Of the $22 billion available for shifting in 1972—over and above what is required to continue funding programs established in prior years—$12 billion is being used for programs that cannot be controlled through the budgetary process, such as pay increases, social security, and previous commitments, and contracts for housing subsidies and urban renewal.

That leaves only $10 billion for programs that can be controlled through the budgetary process. Of this amount, $1.5 billion has been earmarked for the Department of Defense, $4 billion for revenue sharing, and the remainder for welfare reform, school desegregation, and contingencies.

Mr. Schultze's analysis, in my judgment, supports the essentially pessimistic prospect that we face. There is some movement within the Federal budget composition. The composition is changing somewhat. But the rate and the amount of change is too slow and too low to qualify as a reordering of our national priorities.

As Mr. Schultze, who is perhaps the foremost fiscal policy expert in the Nation, points out, the fiscal impact on the economy of the 1972 budget is neutral at a time when most people agree stimulation is necessary to attain economic recovery and to return us to full employment.

I ask unanimous consent that Mr. Schultze's remarks of June 1 be printed in the RECORD.

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

STATEMENT OF CHARLES L. SCHULTZE

Mr. Chairman and Members of the Committee, all of us are pleased to have the opportunity to discuss with you this morning our recent study of national priorities, centered around the President's 1972 budget proposals. With your permission, it might be most helpful to the Committee if each of us spent five to ten minutes summarizing particular aspects of our study. We would then be prepared to answer questions on the points covered in our testimony or on any other matters discussed in the study. Mr. Fried will cover the area of foreign policy and national defense; Mrs. Rivlin, human resource programs; and Mrs. Teeters, the areas of housing policy and social security. I would like to lead off with an overall summary, relating the problem of setting priorities to the budgetary situation, both short and long run.

Necessarily the President's budget describes only one set of alternatives: those the Presiednt is recommending. To make intelligent choices, however, the Congress needs to review a wider spectrum of alternatives. There are alternatives with respect to the objectives the nation should pursue, there are alternatives with respect to how much resources should be devoted to each objective, and there are alternative ways of trying to achieve those objectives. In our study of *Setting National Priorities* we have not attempted to construct a set of budgetary proposals as a single alternative to those recommended by the President. Rather we have sought to identify the major choices which the President is asking the Congress and the American people to make; to describe some alternative choices which might be made; to analyze the more important consequences, both short and long run, of accepting one or the other alternative; and to spell out some the criteria which should be considered in choosing among the various alternatives.

Several major features emerge from an analysis of the 1972 budget: *First*, its overall fiscal impact on the economy is perhaps best described as neutral; it provides approximately for a balanced full employment budget in both 1971 and 1972. *Second*, like budgets of recent years, a significant fraction of the growth in expenditures—about $12 billion—from 1971 to 1972 will reflect "built-in" escalation, due to rising prices and wages, growing numbers of beneficiaries on social security and public assistance rolls, rising workloads, and similar factors. *Third*, income maintenance programs of all kinds have become the largest single element of federal expenditures, growing at about $10 billion a year in the past two years, as a result of "built-in" growth factors, sizeable increases in social security benefits, and the adoption by the administration of an income maintenance strategy as the chief instrument in the war on poverty. *Fourth*, budgetary savings from Vietnam withdrawal continue in 1972 to be eaten up by the impact of rising wages and prices on the defense budget and to a lesser extent by increasing support and procurement costs for the baseline (non-Vietnam) forces. *Fifth*, the bulk of the 1971 to 1972 expenditure increases, not absorbed by built-in growth, is devoted to three major areas: revenue sharing, social security benefit increases, and non-Vietnam defense programs including the first step towards a volunteer army. The other major new initiative—the family assistance plan—will not have a major budgetary impact until 1973.

We have attempted to look further ahead by projecting the budgetary outlook through 1976. Revenues were projected on the assumption of a return to full employment sometime before 1973, and the continuation of existing tax laws. The expenditure projection estimates the future costs of existing programs and of those proposed by the President in his 1972 budget. It allows only for "built-in" growth due to such factors as rising wages and prices and growing numbers of beneficiaries on social security and public assistance rolls. It does not allow for the substantive expansion of existing programs or the introduction of new ones. It is, in other words, an estimate of the future costs of existing and Presidentially proposed programs and policies.

The difference between revenues and expenditures so projected is the "fiscal dividend—the excess of revenue yielded by existing tax laws over expenditures necessitated by existing and Presidentially proposed programs. It is an estimate of the net amount available from economic growth and Vietnam withdrawal which can be available for undertaking new federal activities, for cutting taxes, or for holding as a budget surplus.

On the basis of our estimates there will be *no* fiscal dividend between now and 1974—that is, the growth in expenditures under existing and currently proposed programs will equal the growth in revenues and the savings from Vietnam withdrawal. In the subsequent two years, between 1974 and 1976, revenues will rise modestly more than revenues, so that by 1976 there may be a $17 billion fiscal dividend. But this is only slightly more than one percent of the then projected GNP. While the federal government in total will be absorbing more than twenty percent of GNP, only one percent out of the twenty percent will be available for new initiatives, and even that small amount won't begin to appear until two years have gone by.

The fiscal dividend which would emerge after 1974 is not only small, it is very "delicate," in the sense that it may easily disappear and not be available for high priority uses. Practically all of the fiscal dividend in 1976 will show up as a surplus in the social security trust funds. If, as has often happened in the past, the Congress seizes upon the growing surplus in the trust fund to increase the level of social security benefits by more than cost-of-living increases warrant,[1] the social security trust fund surplus, and hence the fiscal dividend, will be reduced or disappear.

These projections lead to several implications. *First*, over the next four years, the combination of tax reliefs granted in the 1969 Tax Reform Act and expenditure programs already on the books or proposed in the President's 1972 budget will use up almost all of the resources becoming available

[1] The projections already allow for increases in social security benefits to match cost-of-living increases.

in a relatively painless manner through economic growth and the winding down of the Indo-China war. Major new federal initiatives to meet high priority national objectives will have to be primarily financed either through tax increases or through reductions in spending on existing programs. *Second,* to the extent that the current high levels of unemployment call for additional budgetary stimulus this year, measures should be chosen which do not imply either a permanent reduction in tax revenues or a long term increase in spending, unless the items selected for spending are of such very high priority that we are willing to see them eat into the very slim fiscal dividend projected for the mid-1970s. On the basis of these criteria, permanent tax reductions such as depreciation liberalization or expenditure programs such as accelerated public works—which result in added outlays only after a substantial time lag—are very poor choices.

In conclusion, let me mention findings of our priorities study in specific areas which my colleagues will not cover in their testimony.

With respect to water pollution control programs, we point out that current federal policy, and most of the proposals currently under consideration by the Congress, emphasize the setting and judicial enforcement of standards and the provision of grants for municipal waste treatment plants. But they neglect almost completely the development of economic incentives to induce industrial pollutors to reduce the pollution content of their waste discharges. Evaluations of past performance in this area, and projections of the future magnitude of water pollution problems all emphasize industrial pollution as the major problem. The levying of a tax on pollutors, proportional to their waste discharges, would provide a powerful incentive for them to minimize pollution. Yet such a highly effective approach is seldom given much of a hearing by those devising pollution policy.

Our priorities study also cites the results of an independent projection of water pollution wasteloads over the next thirty years. This projection shows: *first,* that with present technology, wastes generated will grow alarmingly over the period; *second,* that secondary treatment of wastes could sharply reduce this wasteload; and *third,* that the cost of uniform secondary treatment of all wastes would be very expensive indeed, reaching $28 billion per year in 1980 and $55 billion annually by the year 2000. This emphasizes, again, the priority which should be given to providing incentives to industry to change their internal processes to generate smaller wasteloads.

In the area of federal transportation policy our study brings out one major point. The highway trust fund generates about $1 to $1.5 billion more in revenues each year than is needed to complete the interstate highway system and to carry out other federally aided highway programs at the rate contemplated when the trust fund was established. What should be done with this annual "surplus" in the trust fund? Should it be automatically utilized for increasing the annual rate of highway construction, or should some means be found to make a conscious priority decision about the purposes to which these revenues should be directed? Only through a deliberate review of the highway trust fund program can the Congress come to grips with this question. In our view, there is no good argument for automatically allowing a major increase in highway spending to occur, simply because the trust fund revenues exceed current expenditure levels. A conscious priority decision should be made.

LEADERSHIP OF VIETNAM VETERANS AGAINST THE WAR

Mr. ALLOTT. Mr. President, the June 1 issue of National Review contains a fascinating piece of reporting by Mr. William Overend, a CBS newsman. It concerns the veracity of a prominent member of the leadership of the Vietnam Veterans Against the War.

Mr. Overend's findings do not discredit the VVAW as a whole. But the story he tells does tell us something interesting about some of the leadership techniques employed in the anti-Vietnam movement.

In addition, Mr. Overend's experience in trying to get his article published tells us something about the editorial judgments rendered by some liberal publications.

Mr. Overend describes himself as a liberal, and would no doubt have preferred to publish his article in a journal other than National Review. But Mr. Overend learned that not all the news is fit to print when it casts doubt on the veracity of those who are important to the left.

So that all Senators may consider the several lessons of Mr. Overend's article, I ask unanimous consent for his article to be printed in the RECORD.

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

WHO IS AL HUBBARD?

(By William Overend)

Al Hubbard is the executive director of the Vietnam Veterans against the War. I first met him the morning of April 21 at the VVAW "camp-in" on the Capitol Mall in Washington. He was sitting on a flat-bed truck, explaining to a circle of six hundred or so members of his group that the Supreme Court had upheld the earlier ruling that the Veterans would not be allowed to sleep on the Mall that night. He was very calm and soft-spoken about it all, at one point interrupting himself to ask that volunteers take down a Vietcong flag someone had stuck in a tree. When he was finished talking, I went up to Hubbard and introduced myself and asked him about his service record, among other things. He said he had been an Air Force captain.

Actually, if I had watched *Meet the Press* the previous Sunday, I wouldn't have needed to ask that question at all. Hubbard had been introduced on that show by Lawrence E. Spivak as a former captain who had spent two years in Vietnam, and who had been decorated and injured in the process. The way it was later explained to me at the Washington "camp-in" was that Hubbard had been flying a transport plane into Danang one day in 1966 when he "caught some shrapnel in the spine."

That was April 21. On April 22, the story began to change. According to Frank Jordan, the Washington Bureau Chief of NBC News, NBC got a tip that Al Hubbard hadn't been an Air Force captain, but instead an Air Force sergeant. NBC reached Hubbard at a Washington hotel that night, asked Hubbard about the tip, and got a confession that, indeed, he had been lying about his rank. NBC broadcast that on its 11 p.m. news that night and also interviewed Hubbard on the *Today Show* the next morning. As NBC's Jordan remembers it, Hubbard explained he made up the business about having been an officer: "He was convinced no one would listen to a black man who was also an enlisted man."

Two weeks later, John Kerry, Yale's contribution to the VVAW, recalled that *Today Show* interview, citing it as proof of Hubbard's sincerity. "Al owned up to the rank question," said Kerry. "He thought it was time to tell the truth, and he did it because he thought it would be best for the organization." That, of course, neglects the fact that NBC had confronted Hubbard with its "tip" prior to the interview.

The next development was a Defense Department news release: "Alfred H. Hubbard entered the Air Force in October 1952, reenlisted twice and was honorably discharged in October 1966, when his enlistment expired. At the time of his discharge he was an instructor flight engineer on C–123 aircraft with the 7th Air Transport Squadron, McCord Air Force Base, Tacoma, Washington. *There is no record of any service in Vietnam, but since he was an air crew member he could have been in Vietnam for brief periods during cargo loading, unloading operations or for crew rest purposes.* His highest grade held was Staff Sergeant E–5."

That raised an important new question about Hubbard's background. Not only was there his word for it that he'd lied about his rank, now the Defense Department was announcing it didn't have any record of his having served in Vietnam at all. As a liberally oriented newsman, sympathetic to the Vietnam Vets and impressed personally by Hubbard's leadership qualities, that came as something of a jolt.

Clearly, if Hubbard had spent considerable time in VA hospitals, the Veterans Administration would have a record of it. A spokesman for the Veterans Administration, however, while confirming that Hubbard did have a sizable medical record, refused to give out any details, saying that would be an invasion of Hubbard's privacy. He said the only thing the VA would say about Hubbard was that he has a service-connected disability of 60 per cent and that he has been receiving $163 a month.

So Al Hubbard had been seriously injured while in the Service. But the VA would not say whether it was during the Vietnam years or earlier. For after all, Hubbard had enlisted back in 1952. Conceivably, an air crash, if there was one, could have taken place long before 1966. I asked the Defense Department some additional questions: What medals had Hubbard received? What about a plane crash in 1966? And the answers came back: A Korean Service Medal, United Nations Medal, National Defense Medal, four Good Conduct Medals, Air Force Longevity Service Award, Air Force Unit Award and Air Force Expeditionary Medal. But no Purple Heart, and no mention of a Vietnamese Service Ribbon, which, according to the Pentagon, can be rightfully claimed by any member of an air crew serving in Vietnam, even briefly.

Despite that, Defense Department officials stressed it was still possible Hubbard could have served in Vietnam, flying in and out from Tacoma. However, they were skeptical in the extreme of the Danang air crash story. As one spokesman put it: "As far as we know there is no record of his having been involved in a plane crash ever in Vietnam. If he had been, and he'd been seriously hurt, he would have been in a military hospital in Danang. And it would have shown up in our records."

But what about that 60 per cent disability? Obviously, something had happened to Hubbard at some point during his Service career? It was suggested that I ask Hubbard about that. That seemed to make sense. But there was a slight problem, in that it was becoming difficult to find out where Hubbard

was. Most of the Vets had returned to their homes after the April 24 March. But Hubbard and a few dozen others stayed on for the more militant Mayday activities. And on May 3, the first day of big trouble, Hubbard and twenty or so others were arrested for throwing cow manure on the steps of the Pentagon.

(John Kerry, one of the many members of the VVAW who had nothing to do with the Mayday protests, denounced them as "horrible": "Ripping out wires from cars, slashing tires—it's criminal. It should be punished.")

Failing immediately to locate Hubbard, I talked to several members of the VVAW at their headquarters in Manhattan. They still remembered the Danang story, although some now emphasized that they had never really heard Hubbard tell it. Scott Moore, a 26-year-old former Army lieutenant, summed up the views of many, saying: "I really don't care whether Al was in Vietnam or not. He's a good man. That's all that counts."

That attitude wasn't shared, however, by the senior leaders of the group. Jan Crumb, the President, admitted he was concerned, and he indicated Moore's comment was primarily for my consumption. Said Crumb: "This matters to all of us, very much. But it's an internal problem for us to solve."

This happened on Friday, May 7. At the time Hubbard had been out of touch for several days. However, Crumb said I could expect a call from him the next week. Hubbard called on Monday morning, May 10. He said he was considering a lawsuit against the Defense Department and had demanded that they send him certain records. He said that until he received them he would make no comment. I asked him about the Danang air crash and he replied: "I told you, I will not cooperate with the media in any way."

Another source, however, was considerably more cooperative. On Thursday, May 13, saying he had seen Hubbard's medical record, this source said there is no mention at all of a 1966 air crash in Danang. There is, he said, a reference to a 1956 rib injury suffered during a basketball game, and a 1961 entry about a back injury suffered during a soccer game. And much later, in 1962, there was a reference by Hubbard to a 1956 plane crash, but nothing, according to the source, about any accident in Vietnam.

And that about wrapped it up. The Pentagon had answered all my questions except the ones touching on Al Hubbard's medical records. Al Hubbard had the opportunity to defend himself. Instead he chose to make no comment, and I was left to draw my own conclusions.

So what to do? First, of course, report it for my employer, CBS News. But the story required a longer telling than broadcast time permits. As a liberal, it had occurred to me that raising questions about Al Hubbard might hurt the antiwar movement, but as a journalist, it didn't seem that that should be a factor. I was wrong. No one would touch the story. Not David Sanford of the *New Republic;* not any other editor of any liberal publication, I contacted.

HELP FOR LOCKHEED, AND WHO ELSE?

Mr. CHURCH. Mr. President, recently I spoke in the Senate in opposition to a proposal of the Nixon administration to provide financial assistance to the Lockheed Aircraft Corp. in carrying out a commercial aircraft project. Basically, the proposal would authorize a Federal guarantee of up to $250 million in loans to Lockheed for production of the Tri-Star jet aircraft.

At the time, I characterized the proposal as one of "socialism for the rich and free enterprise for the poor."

The Idaho Statesman has spoken out editorially against the project. This could be, the Statesman editorial warns:

The first of many appropriations to help ailing businesses. Other businesses might say, "If you can help Lockheed, why not me?"

And, the editorial continues:

While it may be good politics for President Nixon to help Lockheed, and bad politics not to, that doesn't mean this is good economics or good public policy.

I thoroughly agree with the Statesman's comments and ask unanimous consent that the entire editorial be printed at this point in the RECORD.

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

HELP FOR LOCKHEED, AND WHO ELSE?

The Nixon administration supports a policy of government aid to large corporations. Before Congress decides to accept such a policy it should ask some questions.

A proposed $250 million guaranteed loan to Lockheed Aircraft Corp. to help with the Tristar jumbo jet raises a lot of them.

What will the Tristar do for the taxpayer? Why should Lockhood receive this treatment in preference to other troubled enterprises? How will decisions be made to decide who qualifies for this kind of aid?

The legislation sent to Congress does not specify aid to Lockhood. It authorizes $250 million for major business enterprises that are in danger of failing.

This could be the first of many appropriations to help ailing businesses. Other businesses might say, "If you can help Lockheed, why not me?" Indeed, why not?

If this kind of government intervention to save businesses from failing is justified, what are the criteria? Shall these decisions be based on purely economic criteria? Or shall they be based primarily on politics?

Most of the Tristar jobs are apparently in Southern California. That area could suffer economically, at least temporarily, if the Tristar project fails. California will deliver the most electoral votes of any state in the 1972 presidential election.

While it may be good politics for President Nixon to help Lockheed, and bad politics not to, that doesn't mean this is good economics or good public policy.

The jumbo jets now in service are carrying a lot of empty seats these days. Four major U.S. airline companies lost a total of $178 million last year. Heavy investment in big jets appears to be part of the industry's problem.

If Congress accepts a commitment to come to the aid of any faltering aeronautics giant, it is taking on a big responsibility with dollars of the taxpayers. When the commitment is not limited to any industry, as it is not in this legislation, the potential responsibility is much larger.

Now it is Southern California that concerns the administration. In a few months it could be another big electoral vote state.

There is much to be said for letting natural economic factors determine which planes are built and which ones are not, which companies will have financial problems and which ones will not. There is already a long enough line of people going to Washington for help.

ADOPTION EXPENSES

Mr. PACKWOOD. Mr. President, every day as time goes on, new evidence comes to my attention concerning this Nation's population problem. As I have said so often both here on the Senate floor and speaking around the country, we must bring our birth rate down to replacement level—that is, on the average, two children per couple—if we are to be successful in leveling off our population.

I think it is fair to say, however, that Americans are no more uniform on the number of children they want—be it two or 10—than they are on any other matter of choice. The adoption of children is one alternative which would seem to fill the bill for the couple who want several children, but who are at the same time sincerely concerned over the population situation. Hundreds of thousands of adoptable children are waiting for warm loving homes, but too frequently the process of adoption is made so difficult and lengthy that many who want to adopt find themselves thwarted at every turn; the children they want to adopt are left without the love and affection they might otherwise have enjoyed. As an adoptive parent myself, I can speak with some experience on this subject.

Although most would agree that adoption of homeless children is a desirable objective—good for the child, good for the parents, good for society as a whole—various laws and regulations, State and Federal, impose tremendous inequities on the adopting parent. No adoption expenses are tax deductible, for example, not even the medical expenses involved. The adopting parent is, in reality, penalized for wanting to adopt—in spite of the fact that his action is, as I have stated, good for the child, good for the parents, and good for society in toto.

With this situation in mind, it was ever so refreshing to read recently of a new policy which has been implemented by G. D. Searle & Co. in Skokie, Ill. At Searle, any employee who adopts a child is now eligible for a standard benefit payment of $400, equal to the company's maternity benefit. I applaud Searle for this important new contribution to equity and responsibility, and hope perhaps that other firms around the country would follow Searle's lead.

I ask unanimous consent that a recent writeup of this new policy in the magazine, Business Insurance, be printed at this point in the RECORD.

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

AN ENDEARING BENEFIT

G. D. Searle & Co., a leading pharmaceutical manufacturer in Skokie, Ill., has introduced an innovative and, we think, endearing benefit for its employes. Any Searle employe who adopts a child will be eligible for a standard benefit payment of $400, equal to what Searle pays for a maternity case under its self-insurance program. The company points out that adoption often involves substantial fees and always involves outlays for child care.

James Heidbreder, director of compensation and organizational planning for Searle, explained that he makes a survey of what other employers are doing whenever his company considers instituting a benefit. In this case, Mr. Heidbreder found no other company that pays a stipend for adoption.

Searle may be the only company now paying its employes an adoption benefit.

The adoption payment is consistent with Searle's corporate philosophy, which emphasizes the importance of a decent and civilized standard of living for the population we have now. It strikes us as intelligently humane to encourage adoption by employes who will likely become happier and more responsible in their chosen roles as parents. It's an endearing benefit.

THE SPACE SHUTTLE

Mr. ANDERSON. Mr. President, in the past few days there has been some discussion regarding a report published last October by the Rand Corp. entitled, "The Space Shuttle as an Element in the National Space Program." The implication has been that this report finds the shuttle to be an uneconomical prospect and that it represents the official views of the Rand Corp. and the Air Force. The headline in the Washington Post for May 27, 1971, stated in large type: "AF Study Questions Economy of Space Shuttle".

I was curious about that headline because Dr. Seamans, Secretary of the Air Force, on March 30, 1971, testified before the Committee on Aeronautical and Space Sciences and said:

Now let me address the Air Force views regarding development of the space transportation system. The DOD supports its development if the results of current NASA phase B studies and our own complementary studies show that such a system is feasible and can offer the desired performance and cost advantages over current systems. Preliminary indications from these studies are that such a system can be developed. If the final study results confirm this, and we think they will, the Air Force will provide a strong recommendation that shuttle development be authorized.

When the operational system is achieved, we would expect to use it to orbit essentially all DOD payloads.

And also:

We are greatly encouraged that the preliminary study results have been so favorable and that it appears that both NASA and DOD requirements can be met with the present single baseline configuration for the space shuttle.

Since there seemed to be a discrepancy between his earlier testimony and the newspaper article, the Committee asked Secretary Seamans to clarify the position of the Air Force. I also wrote a letter requesting clarification from Rand and telephoned NASA requesting their comments.

Mr. President, I ask unanimous consent that all letters appear in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. ANDERSON. Let me just summarize those letters for you. Secretary Seamans said:

This report . . . may be misconstrued by certain parties as representing Air Force policy. To the contrary, this report and its conclusions are the work of the authors alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.

Dr. George Low, Deputy Administrator of NASA, made three points: First, the report is based primarily on data that are 2 years old and does not take into account the recent and more comprehensive technical and economic studies. Second, justification for the shuttle is not being sought on purely economic grounds. The principal justification for the space shuttle is the new capability it can bring to both our civilian and military space programs for versatile and efficient operations in space. Third, the shuttle is not a commitment to a "huge manned space program"; it can be justified for its potential contributions to entirely unmanned spacecraft. Decisions on future manned space flights can be made on an entirely separate basis.

But the most revealing answer we got was from Mr. Henry S. Rowen, president of the Rand Corp. He reiterated that it was not an Air Force study. He stated that Rand did not say that the shuttle makes no economic sense; in fact, he reconfirmed that:

Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program.

He also said:

Our report, like most Rand analyses, was intended to illuminate issues, to reduce areas of uncertainty, and thus assist decision-makers in reaching rational choices. We believe our report served this purpose. However, inasmuch as it was based on earlier data, the quantitative aspects should be reviewed for currency. In any case, it should not be used as the sole basis for decision.

Commenting on the testimony of Dr. Seamans and Dr. Foster, Mr. Rowen said:

We agree with the testimony of Dr. Foster and Dr. Seamans. There are advantages to the DOD resulting from an operational shuttle which are difficult to assess in dollar terms, but which may have real impact on the nature of military operations. I am thinking here of the additional flexibility afforded to military systems for quick response, unplanned mission changes, and certainly to the potential for growth in capability that is unavailable in most current unmanned systems.

So now, Mr. President, let us see if we can sum up the situation regarding this Rand report.

First. It represented an attempt to determine available options—not policy itself.

Second. It does not and did not represent official opinion or policy of either the Air Force or Rand.

Third. It was a relatively low level effort based on data and assumptions that are about 2 years old.

Fourth. The space shuttle and space station have been decoupled so that the peak funding years will not be in the $7 billion range, as the space task group assumed in 1969 and as used in the report.

Fifth. More recent studies have been more complex and more sophisticated and have taken into consideration many of the factors that the Rand study said should be considered. At even modest yearly launch rates, these newer studies indicate that the shuttle will be an economically sound venture.

Sixth. Economic consideration should not be the sole basis for decision on the shuttle. The principal justification for the shuttle is that it is an advanced space transportation system which will give us safe and versatile new capabilities for our future operations in space, manned and unmanned, civilian and military.

We have tried to get the facts as quickly as we could, and I have presented them here today. But some damage has been done, and I predict that in the ensuing weeks we will hear many times again about the Air Force study that questions the economy of the space shuttle. Furthermore, efforts such as this one to clarify the situation are rarely considered news and I, for one, will be surprised if my remarks and the three letters we have received, receive more than cursory treatment, if any at all, in the news media.

Nevertheless, Mr. President, to be forewarned is to be forearmed. We will be debating the NASA authorization bill within the next few weeks. I hope that the debate will be conducted according to facts—not partial facts or predetermined notions.

EXHIBIT 1

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., May 28, 1971.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for NASA's comments on the report "The Space Shuttle as an element in the National Space Program," which Senator Mondale placed in the May 26, 1971, *Congressional Record*. This report is an interim report prepared by R. D. Shaver, D. J. Dreyfuss, W. D. Gosch, and G. S. Levenson of Rand under a contract with the Air Force.

We have three main comments:

"First. The report referred to is not an "authoritative study" of the space shuttle program, as stated in the remarks in the Record accompanying the report. Instead, as noted by the Air Force when the report was forwarded to Senator Mondale, "it does not represent current economic considerations." The report is based primarily on data that are two years old and does not take account of the results of recent technical and economic studies of the shuttle and shuttle payloads. Moreover, its method of economic analysis is far less comprehensive than the studies being relied on by NASA and the Air Force in assessing the cost and usefulness of space shuttle system.

"As we have stated in our testimony before the Committee, the entire question of the economics of the space shuttle is being analyzed in depth for NASA and the Air Force by Mathematica, Inc. In conducting these economic analyses, this firm is drawing, among others, on special studies by NASA and the Aerospace Corp. for up-to-date analyses on mission profiles, projected launch rates, and other relevant data.

"Mathematica, Inc., submitted an interim detailed report to NASA on March 15, 1971, which has been made available to the Committee and which was sent to Senator Mondale on April 28, 1971, in response to his request. One of the conclusions in this report is that, assuming a flight activity in the 1980's at the 'flight and funding level of the *unmanned* United States space program of the 1960's,' the non-recurring costs (research, development, test, facilities, and initial fleet acquisition) for a fully reusable space shuttle system can be permitted to be as high as $14.2 billion, which of course is higher than any of our current estimates. And this analysis assumes a 10% per year economic rate of return on investment, which in Mathematica's words 'is among the high-

est discount rates ever applied in the evaluation of public investments in this country.'

"*Second.* NASA is not seeking to justify the space shuttle program on purely economic grounds. The principal justification for the space shuttle is the new capability it can bring to both our civilian and military space programs for versatile and efficient operations in space. NASA will look to the economic studies now underway as providing yardsticks for assessing some of the economic factors involved, not as the justification for undertaking the program.

"*Third.* The space shuttle program does not represent a commitment to a 'huge manned space program,' again as contended in the remarks in the Record. The space shuttle can be justified by its potential contributions to programs relying entirely on unmanned spacecraft. Decisions on future manned space programs, such as space stations or further manned exploration of the moon, can and have been decoupled from the decision on the space shuttle."

When further results of the Mathematica and other related shuttle studies are available we will, of course, provide them to the Committee. In the meantime, we believe that the Mathematica interim report provides the most authoritative and up-to-date analysis of the economic aspects of a fully reusable space shuttle system.

Sincerely,

GEORGE M. LOW.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., May 28, 1971.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to an inquiry from a member of your Committee staff concerning a Rand Corporation report (RM 62-44-1-PR) which analyzes the NASA Space Shuttle Program. This report, which was prepared by Project Rand using Air Force funds, may be misconstrued by certain parties as representing Air Force policy. To the contrary, this report and its conclusions are the work of the author's alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.

The work in question is based on 1969 data; therefore, it does not represent current economic considerations. Using current data, National Aeronautics and Space Administration is conducting the economic analyses on the shuttle as a national system using combined NASA and Department of Defense traffic models. As you are probably aware, the NASA Phase B Space Shuttle Definition Studies, which should better define the program scope, costs and schedules, are still underway. Until results from these and from on-going Air Force analyses are available, data to perform final cost effectiveness analyses will not be available.

Should you desire additional information regarding this report or the Space Shuttle Program, I will be happy to provide it for you.

Sincerely,

ROBERT C. SEAMANS.

MAY 28, 1971.

Mr. HARRY S. ROWEN,
President, The Rand Corporation, Santa Monica, California

DEAR MR. ROWEN: A Rand publication, "The Space Shuttle as an Element of the National Space Program," published in October 1970, has recently received attention in the Congress and in the news media. I have enclosed two of these items with this letter. One item says: "Most significantly, Rand makes it clear that unless we are committed to a greatly expanded space budget, the shuttle makes no economic sense at all." Another item refers to the report as an Air Force study. This raises a number of questions the answers to which are of great interest to the Committee. It would be appreciated if you would review Rand's position on the space shuttle and let the Committee know whether or not The Rand Corporation agrees with these statements.

Since the Rand report is dated October 1970 and in general refers to data that appears in the President's Space Task Group report issued in September 1969, would you give the Committee Rand's views on the currency of the data used in the report. Also would you let the Committee have Rand's views on the appropriateness of using this report as a basis for current decisions on the space shuttle transportation system.

The Rand report says that the shuttle development requires a peak civilian space budget in excess of $7 billion in 1975 (page v). NASA officials testifying before the Committee estimated that the maximum annual budget level required to meet the requirements of approved NASA programs including the shuttle through 1977 would be $3.95 billion (Hearings: NASA Authorization for FY 1972). The NASA estimates do not include amounts for new programs or augmentation of ongoing programs nor do they reflect other changes in funding requirements which may be recommended in future NASA budgets and authorization requests. However, if The Rand Corporation has current data which disputes or confirms the NASA testimony, the Committee would like to have such information.

The Director of Defense Research and Engineering, the Honorable John S. Foster, Jr., and the Secretary of the Air Force, the Honorable Robert C. Seamans, both testified before the Committee that the NASA space shuttle program has the strong endorsement of the Department of Defense. Both testified that the Defense Department has need of a space shuttle transportation system, that it is the intention of the DOD to use it after its development, and that they expect the shuttle will reduce the cost of DOD space missions. Does The Rand Corporation disagree with this view?

As the matter of the space shuttle transportation system is currently before the Committee, it would be greatly appreciated if we could receive such answers and other information on the space shuttle as you are able to give the Committee at your earliest convenience.

Sincerely yours,

CLINTON P. ANDERSON, *Chairman.*

THE RAND CORPORATION,
Santa Monica, Calif., May 31 1971.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to the questions in your recent letter concerning a study of the Space Shuttle System undertaken at Rand.

The Rand report, RM-6244-1-PR, *The Space Shuttle as an Element in the National Space Program,* was not responsible for the statement which you quoted in your letter: "Most significantly, Rand makes it clear that unless we are committed to a greatly expanded space budget, the shuttle makes no economic sense at all." What we did say, and still believe to be true, is (p. 26 of RM-6244-1-PR): "Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program."

You questioned whether this was "an Air Force Study" which normally means a study conducted by Air Force personnel and drawing conclusions properly attributable to the Air Force. This was not such a study. This work was conducted by Rand under USAF contract F-44620-67-C-0045.

You asked whether we thought it appropriate that our report be used as a basis for current decisions on the space shuttle transportation system. Our report, like most Rand analyses, was intended to illuminate issues, to reduce areas of uncertainty, and thus assist decision makers in reaching rational choices. We believe our report served this purpose. However, inasmuch as it was based on earlier data, the quantitative aspects should be reviewed for currency. In any case it should not be used as the sole basis for decision.

You inquired about the currency of the data used in the report. The data was gathered in 1969 and early 1970 and included data from the President's Space Task Group in September of 1969 and Phase A contractor reports.

Your third paragraph raises the issue of funding levels. The Rand report did state that a peak civilian space budget in excess of $7 billion would be required in 1975. This level of funding is dependent on the critical assumption that a major shuttle role is to provide logistics support for a manned orbiting space station. Therefore, included in the $7 billion is the funding for developing the space station. Obviously, if the space station were delayed or deleted, the peak funding requirement would decline.

We cannot comment with any authority on the testimony of the NASA officials quoted in your letter; we do not know in detail what is and is not included in their Fiscal Year estimates. However, our estimate of the RDT&E costs for developing and testing the shuttle vehicle totals $11.35 billion. This is insignificantly different from the over $12 billion RDT&E costs now being used in evaluations of the shuttle concept. We cannot reconcile our fiscal year estimates with future NASA program funding levels as outlined in your letter because, as stated above, we do not know the specific items comprising their programs.

You asked for our comments on the testimony of Drs. Foster and Seamans before your committee. We agree with the testimony of Dr. Foster and Dr. Seamans. There are advantages to the DoD resulting from an operational shuttle which are difficult to assess in dollar terms, but which may have real impact on the nature of military operations. I am thinking here of the additional flexibility afforded to military systems for quick response, unplanned mission changes, and certainly to the potential for growth in capability that is unavailable in most current unmanned systems.

If I can be of further service please let me know.

Sincerely,

HENRY ROWEN.

JOHN P. ROCHE ON THE STATE OF THE NATION'S UNIVERSITIES

Mr. TOWER. Mr. President, during the last few years when America's universities have been plagued by internal strife, the comments of Prof. John Roche have given many of us hope that the qualities of reason and rationality still exist on the Nation's campuses.

As a distinguished member of the faculty of Brandeis University, professor Roche has questioned both the continuing efforts of some to completely politicize our universities and the deterioration of certain standards of academic achievement and general academic policy.

This week's New Leader includes an article written by Professor Roche entitled "Academic Smorgasbord." As a

former university professor, I find this short piece extremely pertinent and worth reading for all those individuals interested in the quality of our institutions of higher learning. In addition, since this is commencement week at many of the Nation's universities and colleges, many legislators and public officials will be speaking at these schools, and it would seem to me advantageous if we reflected upon the observations set forth in this article. Therefore, 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:

PERSPECTIVES: ACADEMIC SMORGASBORD

(By John P. Roche)

A number of professors from New England colleges and universities happened to be present at a social function I recently attended. Inevitably the conversation turned to the situation on campus, the impact of the Washington demonstrations, and the financial malaise that permeates higher education. Surprisingly, there was general agreement that the best institutions now have student bodies which are in fact (to borrow a term from Benjamin Disraeli) "Two Nations"—that is, two student subcultures inhabiting the same turf. Technically all are undergraduates at Harvard, MIT, Brandeis, Williams, or X, but in reality they travel in different orbits, have little intercommunication and take radically different courses. They live in what might be called different educational universes.

Of course, there have always been easy schools and gut departments in good schools. In the old days, though, even the most dedicated fraternity loafer or football player got trapped into taking a certain number of required courses. While freshman English, for example, never guaranteed literacy, it did make an ascertainable dent in illiteracy. Today even freshman English seems to be on the skids. It was abolished at one university on the ground that it reinforced "white chauvinism," and the faculty refused to substitute a literacy test because such an act would smack of "racism." In general, required courses are a thing of the past, and even distribution requirements (two courses in the humanities, two in the natural sciences, two in the social sciences, etc., selected from a broad panel of General Education offerings) are rapidly going down the drain.

When a freshman enters college, then, he finds himself a citizen of Libertyville. To graduate, he must accumulate a certain number of points and all points are equal. A professor who gives a four-point course in economics, and takes his work seriously, is matched by another who offers "astrology" for the same four-point return. If you throw in the movement toward abolishing the grading system, a college or university has lost whatever educational structure it may have had. The faculties have retired from the battlefield, and administrators have perfected the technique of preemptive capitulation to student demands.

A large number of students who go to college still want to learn something. So, in effect, they set up their own standards and little by little form a self-propelled academic subculture that demands excellence and has only contempt for the fellows who have come to play. Similarly, the serious departments have adopted an enclave strategy. The average university thus resembles medieval Germany, dotted with feudal kingdoms, duchies, baronies, and the like. The massive feudality, the Prussia of this medieval map, tends to be the hard sciences. History, economics and political science are usually well dug in and fortified. And out there in the woods someplace are the soft baronies, most notably sociology. (This was brought out, interestingly enough, by a student who came up to tell me the latest "in" joke: "Sociology should be legalized only among consenting adults.")

For one who believes that a university should be more than a smorgasbord, the present mode of operation is depressing. It puts a tremendous burden on the student. At the same time, perhaps confronting young people with the necessity for choice, however painful it may be, is an invaluable contribution to their real education.

TRAINS FOR THE FUTURE

Mr. CHURCH. Mr. President, the inauguration of Amtrak is another signal post on the journey of American railroads. In a narrow sense, Amtrak is an admission of failure, the inability of American railroads to provide attractive, profitable passenger service. In a broader sense, Amtrak is the opportunity to convert American rail passenger service to the standards and functions called for within the national transportation framework. Now that we have put Amtrak on the rails, let us give it the highball.

American rail passenger service must serve different functions in different areas. In the crowded urban corridors, for example, between Boston and Washington, New York City and Chicago, San Diego and Los Angeles, rail passenger service can and should compete with other means of transportation, such as the airplane and the car. The Washington-New York Metroliner provides a patten of attractive, rapid passenger service that can compete with air travel.

There is another area of rail service, however, that may be neglected if Amtrak does not use imagination in planning and carrying out its activities. This is the area of rail service as fun, taking a train trip to see the country while on vacation. We need only to turn to the Southern Railroad's profitable passenger service from Boston to Miami or to the Burlington Northern's Vista Dome passenger service across the Northwest to see that Americans do want to travel by rail, particularly when they have an opportunity to see our Nation, to travel in comfort, and to visit with their fellow pasengers.

We need to devote attention to rail travel as a way to enjoy a vacation. Package rail tours should be just as available at travel bureaus as package air tours. Passenger trains should be designed so that passengers can enjoy the association that make travel fun. The old saying, "travel broadens," does not work when passengers are isolated in individual compartments with no opportunity to visit one another. Schedules should also allow for the opportunity to step off the train and stretch one's legs at stops along the way. If we do this we may find that American passenger service will prosper. We may find that Americans take the time to see America first.

Mr. Henry Owen has written an article printed in the Washington Post entitled "Convert Trains for Leisure Use." I ask unanimous consent that it be printed in the RECORD for the information of Senators.

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

CONVERT TRAINS FOR LEISURE USE

(By Henry Owen)

Amtrak (the government corporation set up to restore rail passenger service) is only a few weeks old and its new President, Roger Lewis, is already embroiled in controversy. In part, the controversy centers around the question of whether Amtrak has axed too many trains. There's not much poor Mr. Lewis can do about that. To improve passenger service he has to begin by concentrating his limited funds on a few trains. If this makes the service profitable, it can then be expanded.

The hard question is *how*—not on what scale—to improve train service. The conventional wisdom is that this means getting trains to operate more like airplanes: superfast schedules, meals served at seats, and so on. No doubt there are some things that the railroad business could learn from airlines—improved ticketing and reservations, cleanliness, punctuality, etc. And some short haul trains, like the Metroliner between Washington and New York, may be able to compete with airlines in speed and convenience. But long haul passenger trains can only survive by offering the exact opposite of airline service: What one official has called "a special style of leisurely, relaxed travel on long distance routes". This means catering to people who are *not* in a hurry: vacationing families, retired folk, teachers on a sabbatical.

If these people are to be persuaded to use the rails, it will be because they want to see the country—and to have fun along the way. This means choosing train routes for scenery—not just because they happen to be the straightest line between two points. It means scheduling trains so that they pass through this scenery in daylight, at reasonable speeds, and with plenty of time to stop and look around at interesting places along the way.

In September 1945, when train routes and schedules were still askew because of the war, I found myself on a train which, for some reason, decided that the best way to get from San Francisco to St. Louis was by meandering northward through Wyoming, stopping along the way in a fairly leisurely fashion. Around noon on the second day, we came to a dead halt at a small town; from the observation car, what semed like a daguerreotype of the old West could be seen: one main street, with two rows of false front brick houses, surrounded by a darkening plain, rimmed by barren hills and mountains. Suddenly the old West, with which so many Americans (including my father) had had a lifetime love affair, came to life. I stood on the platform of the observation car in the cool air for some time, then got off the train and walked around till it was time to leave. No amount of reading or looking at pictures could have taught me so much, so quickly, about a part of my own country and its past.

Which brings up another point. Railroad passengers not only want to see the country; they also want to have a good time aboard trains. The current notion is that this means movies, bingo and such. Maybe so; but none of this existed when train travel was popular in this country; and none of this exists in Europe, where train travel is still popular. The key to having fun aboard trains is getting to know your fellow passengers. The old Pullman cars were open in the daytime, and you could move about; children ran around in the aisle, and adult company polarized around pretty girls. Who ever saw a marble game on the floor of a Boeing 707? What good does it do you to see a pretty girl two rows forward in a DC-8?

Of course, all this went by the boards when they broke up Pullmans into room-

ettes with permanent partitions. Now they want to compound the error by bringing a food tray to your seat; half the fun of eating in trains used to be the opportunity to inspect other passengers on the way to the dining car, and to meet total strangers over dinner—surrounded by gleaming silver and fleeting scenery. Amtrak's object should not be to isolate passengers but the reverse: to design a sleeping car with partitions that can be folded back in the daytime, and to make sure that long distance trains include plently of cars in which people can eat and drink together.

David Kendall, former chairman of Amtrak's board, was right in saying that Amtrak needs time to succeed. But this success will be hard to achieve unless Amtrak uses that time to provide what its potential customers want—which is not just getting from A to B, but seeing something of America and Americans along the way.

POLICIES OF THE SOVIET UNION

Mr. ALLOTT. Mr. President, the eighth column on the front page of the New York Times edition of Friday, May 28, contained instructive, sobering, and depressing reading.

The top of the column was given over to reporting the 15-year treaty of "friendship and cooperation" which the Soviet Union and Egypt signed on Thursday.

The bottom of column 8 contained a report on the sentencing to jail of four more Soviet Jews. This story also reported that Simas Kudirka, the Lithuanian sailor whose attempt to defect to the United States resulted in our officials turning him back to Soviet authorities. Mr. Kudirka received a 10-year prison sentence.

The relationship between these two stories is worth noting. In one story we see the Soviet Union, the last outpost of European antisemitism, venting its viciousness against its Jewish citizens. In the other story we see the Soviet Union cultivating what it hopes will be a determined enemy of Israel.

Mr. President, it is perfectly clear that where Jews are concerned, there is a strong connection between Soviet foreign and domestic policies of aggression and persecution. For the Soviet Union, things just have not been the same since their spiritual communion and political alliance with the Third Reich was so abruptly terminated in June 1941.

Mr. President, so that all Senators can ponder these matters, I ask unanimous consent for both articles from the May 28 Times to be printed in the RECORD, along with the text of the Soviet-Egyptian Treaty.

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

SOVIET AND EGYPT SIGN 15-YEAR PACT; AID WILL CONTINUE

(By Raymond H. Anderson)

CAIRO, May 28.—President Nikolai V. Podgorny of the Soviet Union and President Anwar el-Sadat of Egypt signed a 15-year treaty of friendship and cooperation yesterday after two days of intensive consultations on Soviet-Egyptian relations.

The two Presidents also announced agreement for a continuation of Soviet assistance to Egypt and other Arab countries.

[The Soviet press agency Tass made the text of the treaty available early Thursday evening, New York time, more than five hours before the announcement was scheduled to be released in Cairo.]

ISRAELI STAND CONDEMNED

A communique made public early today condemned Israel's "rejection of all proposals for a settlement of the Middle East crisis."

It said that the talks that began here Wednesday had focused on a dangerous situation in the Middle East created by "Israel's imperialist aggression" against Egypt and other Arab countries.

"Israel's persistent expansionist policy is a serious threat to world peace and security," the communique added.

The treaty of friendship and cooperation was described as a "historic document."

Citing an objective of "struggle against imperialism and colonialism," it stipulates close ties in political affairs, economic development and cooperation in science, technology and culture.

The treaty specifically bars interference in internal affairs of the other country and calls for "respect for the sovereignty and integrity" of each side.

These are important conditions for Egyptians in particular.

The treaty also contained a pledge by Egypt to continue along the path of socialist development.

President Podgorny arrived in Cairo Tuesday evening at the invitation of President Sadat for an urgent review of Egyptian-Soviet relations following the leadership shake-up here two weeks ago.

Although some of Moscow's closest friends in the Egyptian regime lost out in a power struggle and were imprisoned, it was clear from the moment that Mr. Podgorny emerged from his airliner that both sides were determined not to allow the political changes to upset cooperative relations between the two countries.

Mr. Podgorny was given an enthusiastic welcome at the airport and was cheered by Egyptians lining the streets from the airport to Kubbeh Republican Palace.

Last night, both Mr. Sadat and Mr. Podgorny emphasized the overriding importance of good relations during speeches at a dinner in honor of the Soviet President.

"Our people cherish Arab-Soviet friendship and, indeed, the whole Arab nation takes this friendship to be one of the most important bases of our policy," Mr. Sadat declared.

The communique accused the United States of supporting Israel as an "aggressor trying to usurp the Arab territories occupied in the war of June, 1967."

It said that the two sides had expressed determination "to eliminate the consequences of Israeli aggression in the nearest future."

NO THREAT OF WAR

The communique did not explicitly threaten war against Israel, however, stressing instead that "Egypt's constructive policies for a peaceful settlement of the Middle East crisis has created the proper atmosphere for establishing a just and permanent peace in the area."

This appeared to be an allusion to commitments undertaken by Egypt to abandon the 23-year state of belligerence against Israel once Israeli troops had withdrawn from occupied Arab lands and after a settlement had been made for Palestinian refugees.

The communique emphasized that peace could be reached only on the basis of "complete withdrawal" and implementation of all other terms of the United Nations Security Council resolution of Nov. 22, 1967.

There was no mention of a proposal advanced in February by Mr. Sadat for a partial Israeli withdrawal from the Suez Canal to permit a reopening of the waterway to international shipping.

It was reliably reported that the talks had dealt with the issue, however, particularly in the context of Secretary of State William P. Rogers' visit to Cairo and Israel to seek a faster agreement on the interim solution.

FOUR RIGA JEWS GIVEN TERMS TO 3 YEARS

(By Bernard Gwertzman)

Moscow, May 27.—The Latvian Supreme Court today found four Riga Jews guilty of anti-Soviet activity and sentenced them to terms ranging from one to three years in prison camps.

In a separate development, it was learned that Simas Kudirka, the Lithuanian seaman who was returned to the Soviet authorities after having jumped aboard a United States Coast Guard cutter last fall seeking political sanctuary, was sentenced last week to 10 years on treason charges by the Lithuanian Supreme Court.

Tass, the Soviet press agency, said that the four-day trial of the Jews in Riga, held in a workers club, ended when the judge, Luka I. Lotko, read the sentences. Arkady A. Shpilberg, a 33-year-old engineer, received three years. The prosecutor, Dmitry F. Chibisov, asked yesterday for a four-year term. The other defendants received what the prosecutor had asked: Mikhail Z. Shepshelovich, a 28-year-old worker, two years; Boris M. Maftser, a 24-year-old engineer, and Ruth I. Aleksandrovich, a 23-year-old nurse, got one-year terms.

The sentences given the four defendants were milder than those imposed in trials in Leningrad last winter and earlier this month, in which some defendants received sentences of 15 years in camps—the maximum term of detention in Soviet law.

This was presumably because the Riga defendants had not been charged either with participating or assisting in plans to hijack a plane. Twenty-one persons—19 of them Jews—were convicted in the Leningrad trials. They were linked to an apparent plot by 12 persons to hijack a plane last June as part of a plan to flee to Israel.

Nine other Jews are awaiting trial in Kishinev on charges believed similar to those brought against the Riga defendants. The four Riga Jews were charged with reprinting and distributing "subversive" and "slanderous" material about the Soviet state, a crime punishable by up to seven years imprisonment. The exact nature of the material has not been made known, but presumably it covers petitions sent abroad complaining of Soviet policy toward Jews not wishing to assimilate any typewritten material on various aspects of Jewish life here.

Because of wide foreign interest in the trials of the Jews, Tass has distributed accounts of the trials, usually omitting the defendants' side of the case.

The Tass accounts were intended only for foreign subscribers to the Tass service. Soviet newspapers have printed less about the trial than has been sent abroad.

However, there was no publicity about the trial of Mr. Kudirka, in line with the blackout on news about the Lithuanian since he was turned over to Soviet authorities last Nov. 23.

LEAPED FROM VESSEL

On that day, Mr. Kudirka, who is 32 years old, leaped from the Sovetskaya Litva, a fishing vessel, when she was tied to the Coast Guard cutter Vigilant and asked for asylum.

The two boats were anchored off Martha's Vineyard, Mass., while Soviet-American talks took place aboard the Soviet boat on fishing matters. Top Coast Guard officials, however, decided without informing the White House to let other Soviet seamen come aboard and drag Mr. Kudirka back to their boat.

In the aftermath of the incident, two top Coast Guard officials were allowed to retire from the service.

Dissident sources here in March reported that Mr. Kudirka had been arrested after

his return to Lithuania and was under investigation for treason. Under Soviet law, attempting to flee the country is regarded as treason and carries with it a possible death sentence.

The case was heard last week, according to those sources. A spokesman for the court said over the phone that Mr. Kudirka had been tried by the Supreme Court in Vilna, the capital of Lithuania, and had been sentenced to 10 years. It is presumed that the seaman will be sent to a "strict regime" camp, the second most severe of the four types of camps, where most people accused of political crimes are sent. All the Jews convicted so far have also been sent to similar camps.

About 3,000 high school students demonstrated near the Soviet Mission to the United Nations here yesterday in protest against the trial in Riga.

They assembled near Dag Hammarskjold Plaza on 47th Street and First Avenue, then marched up First Avenue to East 67th Street and crossed to Third Avenue. The Soviet mission is on 67th Street, between Lexington and Park Avenues.

In another development, Mrs. Max Schenk, president of Hadassah, the Women's Zionist Organization of America, denounced the sentencing of the four Jews in Riga, asserting that any so-called lenient sentence in the Soviet Union "can become a death sentence" because of prisoners' inadequate diet.

TEXT OF THE TREATY OF FRIENDSHIP AND COOPERATION SIGNED BY SOVIET AND EGYPT

(Following, as transmitted in English by Tass, the Soviet press agency, is the text of the Soviet-Egyptian treaty of friendship signed in Cairo yesterday:)

The Union of Soviet Socialist Republics and the United Arab Republic,

Being firmly convinced that the further development of friendship and all-around cooperation between the Union of Soviet Socialist Republics and the United Arab Republic meets the interests of the peoples of both states and helps strengthen world peace,

Being inspired by the ideals of struggle against imperialism and colonialism, and for the freedom, independence and social progress of the peoples,

Being determined to wage persistently the struggle for stronger international peace and security in accordance with the invariable course of their peaceable foreign policy,

Reaffirming their allegiance to the aims and principles of the United Nations Charter.

Being driven by a desire to consolidate and strengthen the traditional relations of sincere friendship between the two states and peoples through concluding a treaty of friendship and cooperation and thus creating a basis for their further development,

Agreed on the following:

ARTICLE 1

The high contracting parties solemnly declare that unbreakable friendship will always exist between the two countries and their peoples. They will continue to develop and strengthen the existing relations of friendship and all-around cooperation between them in the political, economic, scientific, technological, cultural and other fields on the basis of the principles of respect for the sovereignty, territorial integrity, noninterference in the internal affairs of each other, equality and mutual benefit.

ARTICLE 2

The Union of Soviet Socialist Republics as a socialist state and the United Arab Republic, which has set itself the aim of reconstructing society along socialist lines, will cooperate closely and in all fields in ensuring conditions for preserving and further developing the social and economic gains of their peoples.

ARTICLE 3

Being guided by a desire to contribute in every way toward maintaining international peace and the security of the peoples, the Union of Soviet Socialist Republics and the United Arab Republic will continue with all determination to make efforts toward achieving and ensuring a lasting and fair peace in the Middle East in accordance with the aims and principles of the United Nations Charter.

In pursuing a peace-loving foreign policy, the high contracting parties will come out for peace, relaxation of international tension, achievement of general and complete disarmament and prohibition of nuclear and other types of weapons of mass destruction.

ARTICLE 4

Being guided by the ideals of freedom and equality of all the peoples, the high contracting parties condemn imperialism and colonalism in all their forms and manifestations. They will continue to come out against imperialism, for the full and final elimination of colonialism in pursuance of the U.N. declaration on the granting of independence to all colonial countries and peoples, and wage unswervingly the struggle against racialism and apartheid.

ARTICLE 5

The high contracting parties will continue to expand and deepen all-around cooperation and exchange of experience in the economic and scientific-technological fields—industry, agriculture, water conservancy, irrigation, development of natural resources, development of power engineering, the training of national personnel and other fields of economy.

The two sides will expand trade and sea shipping between the two states on the basis of the principles of mutual benefit and most-favored nation treatment.

ARTICLE 6

The high contracting parties will further promote cooperation between them in the fields of science, arts, literature, education, health services, the press, radio, television, cinema, tourism, physical culture and other fields.

The two sides will promote wider cooperation and direct connections between political and public organizations of working people, enterprises, cultural and scientific institutions for the purpose of a deeper mutual acquaintance with the life, work and achievements of the peoples of the two countries.

ARTICLE 7

Being deeply interested in ensuring peace and the security of the peoples, and attaching great importance to concertedness of their actions in the international area in the struggle for peace, the high contracting parties will, for this purpose, regularly consult each other at different levels on all important questions affecting the interests of both states.

In the event of development of situations creating, in the opinion of both sides, a danger to peace or violation of peace, they will contact each other without delay in order to concert their positions with a view to removing the threat that has arisen or reestablishing peace.

ARTICLE 8

In the interests of strengthening the defense capacity of the United Arab Republic, the high contracting parties will continue to develop cooperation in the military field on the basis of appropriate agreements between them. Such cooperation will provide specifically for assistance in the training of the U.A.R. military personnel, in mastering the armaments and equipment supplied to the United Arab Republic with a view to strengthening its capacity to eliminate the consequences of aggression as well as increasing its ability to stand up to aggression in general.

ARTICLE 9

Proceeding from the aims and principles of this treaty.

Each of the high contracting parties states that it will not enter into alliances and will not take part in any groupings of states, in actions or measures directed against the other high contracting party.

ARTICLE 10

Each of the high contracting parties declares that its commitments under the existing international treaties are not in contradiction with the provisions of this treaty and it undertakes not to enter into any international agreements incompatible with it.

ARTICLE 11

The present treaty will be operative within 15 years since the day it enters into force.

If neither of the high contracting parties declares a year before the expiry of this term its desire to terminate the treaty, it will remain in force for the next five years and so henceforth until one of the high contracting parties makes a year before the expiry of the current five-year period a written warning on its intention to terminate it.

ARTICLE 12

The present treaty is subject to ratification and shall come into force on the day of exchange of ratification instruments, which will take place in Moscow in the nearest future.

The present treaty is done in two copies, each in Russian and Arabic, with both texts being equally authentic.

Done in the city of Cairo on May 27, 1971, which corresponds to 3 Rabia as Sani, 1391, Hejira.

For the Union of Soviet Socialist Republics.
N. PODGORNY.

For the United Arab Republic.
ANWAR SADAT.

NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, I want to take this opportunity to commend the distinguished Senator from Ohio for his leadership and concern regarding the health crisis of the Nation.

As chairman of the Senate Health Subcommittee, I have witnessed Senator SAXBE's dedication to relieving this situation.

This dedication has been transferred to Dr. William B. Saxbe, Jr., who currently is a surgical resident at Peter Bent Brigham Hospital in Boston. Dr. Saxbe has written eloquently of the deterioration of health care in the inner-cities of our Nation.

A recent article in Modern Medicine comments on a paper written by Dr. Saxbe in which he clearly demonstrated the need for a system of National Health Insurance, such as the one I have introduced and which Senator SAXBE and others have cosponsored.

I ask unanimous consent for the insertion of the article, "The Senator's Respected Medical Advisor," in the RECORD.

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

THE SENATOR'S RESPECTED MEDICAL ADVISOR

Acquiring a sophisticated understanding of the political processes can be a lifelong vocation, even for the politicians who try it. Not all of them do, a claim most easily supported by simply listening to what they say.

Thus, it can be as suprising as it is refreshing to discover a large political intellect outside the circle of power and influence in official Washington, yet near enough to be heard.

In this case, it is not clear that Sen. William B. Saxbe (R., Ohio) relies more on the medical orientation of Dr. William B.

Saxbe, Jr., or whether Dr. Saxbe depends more on the senator's political sagacity, or whether it's the other way around. Nevertheless, they seems to be working together to devise a national health policy.

The senator, it must be obvious, is the doctor's father, a relationship that could, conceivably, color the politician's view of Dr. Saxbe's competence in health matters. The doctor is a 30-year-old surgical resident at Peter Bent Brigham Hospital in Boston.

Even though Senator Saxbe refers to his son as a doctor "whom I highly regard," Dr. Saxbe's own well-articulated notions about the politics of health care can stand alone.

Senator Saxbe has circulated a paper written by his son, "Problems of the Delivery of Medical Care in Cities—Political Aspects." It is a cogent statement, tracing with knowledgeable clarity the demise of the American city and the spawning of seemingly intractable problems in the medical care system.

His central thesis, stated in a straightforward way, is that the cities are undergoing disintegrative change and that "personal medical care and public health have deteriorated in direct proportion to the health of the body politic."

With the flight of both blue-collar and white-collar workers to mostly all-white suburbs, the cities were left with declining tax revenues and property values. Inevitably, Dr. Saxbe argues, the result was a new cycle of low revenues and low services, stimulating even more emigration.

"Two general political considerations apply here," the doctor says. "The first is that the 'bedroom' communities of the suburbs have come to be tax havens whose residents profit from the presence of the city, without making appropriate recompensation. The political independence of these communities is becoming more and more unrealistic and unjust."

"The second consideration is that there has always been a lag of years between the time that a new group in the city becomes numerically important and the time that it becomes politically so. Because of this political machines characteristically outlive their original support, and political changes in reality are characteristically overdue.

"State governments show a similar conservatism, and legislatures may represent fossilized survivals from times when the city was numerically subordinate to the country."

Dr. Saxbe, it is true, conducts his examination of the decline of the cities with a critical eye. But he is thorough, holding one piece of the unraveling fabric after another to the light for all to see.

He discusses attenuated ethnic and family ties and the next step—the greater mobility of succeeding generations—which conspired to leave behind in the central cities the sick and the old. And next, the symptoms of social dislocation: anomie, mental illness, alcoholism, drug addiction, violence, and crime.

The result is that large residential areas are no longer self-supporting, an evil intensified by an increase in the number and size of tax-exempt institutions within the boundaries of the inner city; they are sinks for dollars, producing less in the way of income, sales, and property taxes than they cost for welfare, police, and medical costs. Now they face bankruptcy.

"Well-meant but poorly conceived attempts to save the cities have further compounded the problem," said Dr. Saxbe. "The facile equation of old buildings with social deterioration has led to inappropriate urban renewal projects which, as in Boston's West End, can destroy a living—if not affluent—community, and replace it by sterile apartment buildings.

"In similar fashion a monstrous welfare system has emerged which appears to have perpetuated rather than arrested or alleviated poverty. The architects . . . of these programs have increasingly been baffled by embittered militancy of those they serve, an attitude they find perverse.

"There are several important implications for medical care arising from the social and political changes in the city.

"The first is that inner cities can no longer produce or support M.D.'s. Economic, social, and professional considerations generally dictate that the present-day physician will have a specialized practice in the prosperous suburbs rather than a general practice in a deteriorating central city. As consequence, many poor city dwellers must use municipal charity hospitals in place of the family doctor.

"Since people with money and access to political power (and the news media) do not use these facilities (especially not as outpatients) their deficiencies are never apparent to those who can change them.

"Because these facilities are provided by the dominant unconcerned to the subordinate powerless, they are inadequate, underfinanced, and superannuated. They give second-class medical care.

"From a medical standpoint, this care is unsatisfactory because it is uncomprehensive and discontinuous. From the patients' point of view, it is unsatisfactory because it also involves inflated prices, long waits, insufficient services, and personal degradation and humiliation.

"The inner city medical mess is different from the problems of medical supply in the past for several reasons, and must be dealt with in different ways. The laissez-faire method of getting doctors into communities and traditional one doctor-one patient practice have led to the present state of affairs and would not be expected to cure the problems they have caused.

"Artificial means to reintroduce solo practice, even with subsidies, are probably foredoomed."

The discourse leads finally to his view of the two major hurdles to assure the delivery of medical care in the cities—funding and logistics.

Dr. Saxbe sees some form of national health insurance, possibly involving prepaid care on a capitation basis, as the likely response to funding. Logistics, however, may turn out to be harder to settle. But he looks upon some form of comprehensive group practice as a reasonable approach, from both the doctor's and the patient's point of view.

"For the medical profession," he cautions, "there are several potential pitfalls as these matters are decided. The first will be a failure to identify the goals of their services with the desires of the served. The second will be misunderstanding of the political process by which the future of medical care in the central cities will be determined.

"The third, basic, and most important will be the difficulties of finding a pragmatic path between the Scylla of a narrow 'medical' conception of the problem, and the Charybdis of utopian holistic planning too grand to be practical."

PRODUCTIVITY IN AMERICA AND JAPAN

Mr. TAFT. Mr. President, for some weeks I have been speaking in the Senate on the importance of restoring the investment tax credit and providing accelerated depreciation in order to modernize America's tools of production.

Regrettably the United States now faces a productivity gap which is even more serious than the missile gap.

For years we have been able to overcome the lower wage rates paid by foreign competitors, through the use of more efficient and productive equipment. This productivity advantage, however, is dissolving before our eyes. The United States reinvests a smaller portion of its gross national product in new tools and equipment than any other major industrial nation in the world. The resulting productivity gap has now been dramatically unfolded before us.

The lead editorial in the Cleveland Plain Dealer on May 24, 1971, has stated that in the United States 7.31 man hours are required to produce one net ton of raw steel. In Japan this figure is only 5.7.

Not only do the Japanese have the competitive advantage of lower wages but their productivity rate is higher than ours.

Unless we undertake a major national effort to modernize our industrial equipment we will fall victims to this productivity gap and the result will be a loss of jobs to U.S. workers and a lower standard of living in this country.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

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

JAPAN ADDS TO STEELMAKING LEAD

If there were doubts about Japan's growing industrial strength, they should be dispelled by statistics published today by Industry Week magazine.

Using figures supplied by the American Iron & Steel Institute and the Japan Iron & Steel Federation, Industry Week computed the man-hours needed to produce one net ton of raw steel. Japan is outstripping the United States now by a fair margin, 5.70 man-hours for Japan to 7.31 for the United States.

Last year, for the first time, Japan took the lead but the margin was very small, 6.91 for Japan to 7.17 for the United States. A measure of the progress of the Japanese industry can be noted by the figures for 1960. In that year the United States required 10.56 man-hours to make one net ton of raw steel and Japan needed 20.62 man-hours.

Allowing for differences in labor cost factors and methods of computation, Japan's increased leadership still is impressive Japan's blast furnaces are as good or better, and bigger, than those in the United States. Its steel industry, coming up from scratch after World War II, is modern. And very efficient.

Employment costs per man-hour worked are something else. The cost in Japan in 1970 was $1.80, asserts Industry Week, while the U.S. figure was $5.68. As for steel mill products, as contrasted to raw steel, the United States still holds a small lead, 11.9 man-hours to Japan's 12.4.

Japan's ability to sell steel below U.S. prices, to supply high-grade products and to market them aggressively should jolt any Americans who have been living in the past when "good old American know-how" automatically was deemed sufficient to solve all problems of competition.

MORAL LEADERSHIP AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the United States prides itself in being moral leader of the world. We have always considered ourselves at the forefront of humanitarian causes. Yet, 75 nations already have ratified the Genocide Convention. The United States has not.

President Truman transmitted the convention to this body 22 years ago this month. In February of last year President Nixon asked the Senate to ratify the treaty. "Ratification," the President said, "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." The Attorney General and the Secretary of State have agreed that "there are no constitutional obstacles to U.S. ratification." A special subcommittee on the convention reported in December, "We find no substantial merit in the arguments against the convention."

Ratification of the Genocide Convention will help buttress the moral leadership of the United States—a leadership which has been undermined by an amoral war which goes on and on. I urge the Senate to act quickly on the Genocide Convention.

In testimony before the special subcommittee on the Genocide Convention, Hon. Arthur J. Goldberg addressed himself to the question "Why should we act favorably on the Genocide Convention?" I ask unanimous consent that an excerpt from his testimony be printed in the RECORD.

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

First, the Genocide Convention outlaws action that is repugnant to the American people. We should not decline to affirm our support for principles of international law and morality which we believe in. Our country was founded out of a passionate concern for human liberty reflected by the Bill of Rights and the Constitution. I believe that concern is very much alive today, as is reflected by the report of the Foreign Relations Committee supporting this Convention at the last session of Congress. It is inconceivable that we should hesitate any longer in making an international commitment against mass murder.

Second, our failure to adhere to this Convention is an unnecessary diplomatic embarrassment. Seventy-five countries have now ratified the Convention. We are the most prominent United Nations member that has not. When I was United States Ambassador to the United Nations, I was often asked to explain our failure to ratify the Genocide Convention. Frankly, I never found a convincing answer. I doubt that anyone can. At a time when our commitment to human rights is being questioned by some of our own people and by others overseas, it is particularly important that we ratify a treaty so thoroughly consistent with our national purpose. A continuing dedication and reaffirmation of the human principles of our Bill of Rights and Constitution is very much in order.

Third, our adherence to the Genocide Convention can make a practical contribution to the long and difficult process of building a structure of international law based on principles of human dignity. It will put us in a better position to protest acts of Genocide in other parts of the world and will enhance our influence in United Nations efforts to draft satisfactory human rights principles. I do not say that our adherence to this Convention will work miracles. It may not bring very dramatic benefits in the short run. Let us remember, however, that none of the great documents of human civilization produced instant morality—not even Magna Carta or our own Bill of Rights. The point is that they did shape history in the long run. I believe the same may be true of the Genocide Convention, if we only give it a chance.

JUDGESHIP FOR NORTHERN DISTRICT OF TEXAS

Mr. TOWER. Mr. President, on March 23 of this year, I introduced a measure, S. 1323, which would provide an additional judgeship for the northern district of Texas. The Judicial Conference has recommended this judgeship on an emergency basis, and it is my hope that the Senate Judiciary Committee will give the bill its swift approval.

Recently, the State Bar of Texas has passed an endorsement of this legislation. I ask unanimous consent that this resolution be included at this point in the RECORD, in order to emphasize the urgency of the matter.

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

RESOLUTION

Whereas HR 2645 is now pending before the House of Representatives of the United States of America and S. 1323 is now pending before the Senate of the United States of America, which provide for an additional judgeship for the Northern District of Texas; and

Whereas, this legislation is of general interest to the entire Bar of our State because of the added burden placed upon the Northern District of Texas by the 1966 Amendment to 28 U.S. Code 2241, et seq, giving the Northern District jurisdiction over habeas corpus applications of State prisoners from all districts in Texas; and

Whereas, the Judicial Conference of the United States has recommended the creation of such additional court on an emergency basis because of the current work load in such District.

Now, therefore, be it resolved that the Board of Directors of the State Bar of Texas endorses HR 2645 and S. 1323 and urges the speedy passage of such bills by the Senate and the House of Representatives of the United States of America;

Be it further resolved that the officers of the State Bar of Texas be and they are hereby directed to transmit copies of this Resolution to the United States Senators and Representatives of Texas and to other appropriate and interested parties.

MORRIS HARRELL,
President, State Bar of Texas.

SENATOR MUSKIE AND REVENUE SHARING

Mr. RIBICOFF. Mr. President, a number of people in Washington these days are trying to sell revenue sharing as a panacea for America's many ills. They claim that all Congress has to do is to give a large amount of money to the cities and States with no restrictions on the use of these funds and the financial crisis faced by these cities and States will be solved.

This is an example of devising a simple solution to a complex problem. If revenue sharing as a concept is to succeed in reality, it will have to be very carefully designed to reach those areas most in need.

All of the plans introduced to date recognize this fact. They differ, however, in their approach and scope. One plan which has not yet received the notice it deserves was introduced by the distinguished Senator from Maine (Mr. MUSKIE). Senator MUSKIE, one of the original advocates of revenue sharing, has developed an approach which deserves serious attention.

The New Republic of May 29, 1971, contained an analysis of Senator MUSKIE's approach to revenue sharing which is well worth reading. I therefore ask unanimous consent that the article be printed in the RECORD.

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

REVENUE SHARING THAT WORKS

The Administration has been given too little credit for the political shrewdness of its revenue-sharing plan. It casts the President in the role of rescuer of the states and cities from a dire fate, a modern-day Disraeli effecting fundamental reform and restoring the federal as well as fiscal balance. It allows him to use the phrase "power to the people" with only the faintest blush—and all with minimum budgetary impact, at best $6 billion in "new" money. Most important, it has great potential for the onrushing presidential campaign. Mr. Nixon has come to realize that the cities, and more recently the large industrial states, are starving. He knows that those who starve do not too closely examine the nutritional content of a crust of bread. He knows also that the Congress is not eager to cede its control over the spending of any federal dollar. Revenue sharing, then, offers the chance to divide the congressional Democrats (including virtually all of the serious 1972 contenders) from their needful brethren in the statehouses and city halls—and to conquer.

In March, this potential seemed to have been realized at the expense of one Democratic challenger. The occasion was a legislative conference of the National League of Cities and US Conferences of Mayors. The 800 mayors had arrived in Washington with a well-formulated position. They favored general revenue sharing, with its promise of an initial $5 billion in stringless aid. This was not surprising, since their two organizations had been "closely consulted" in formulation of the plan; they considered the automatic pass-through of nearly half the amount to localities with mayors and county officials free to negotiate an even larger cut from their governors) a signal victory. On the other hand, the mayors were suspicious of the President's so-called special revenue-sharing proposals, since they would terminate some urban grant programs and consolidate others in six broad categories, with a net gain to the impoverished cities of only a single billion at most.

The March session was more rally than conference. Walter Heller, a certified Democratic economist and pre-Nixonian parent of revenue sharing, delivered a stump speech, branding anyone opposed to the idea as a

foe of federalism and doubter of provincial wisdom. Vice President Agnew attacked those who would play politics with so sacred a subject, singling out Wilbur Mills' proposal for federal assumption of welfare costs as a "red herring." Both drew hearty applause. Senator Edmund Muskie, in a luncheon speech, drew something else.

He began by saying, soberly, "I know many of you support the concept of revenue sharing, and so do I." He pointed out that he had introduced a revenue-sharing bill last year. But he went on to say that he did not support a plan which would "gut essential categorical aid programs," which "fails to allocate funds for the cities which need them most," and which "provides inadequate safeguards against the use of funds to perpetuate discrimination." Therefore, he did not support the Administration plan, which, he noted, would provide rich Beverly Hills with twice as much money per capita as broken-down New York and four times as much as Cleveland. He expressed "serious doubts" that a "meaningful program of revenue sharing" could get through the present Congress and counseled support of a federal welfare takeover. The mayors' reaction was swift and critical. The welfare takeover would benefit only a handful of cities; they all need help, immediately; they don't expect their friends to quibble over its precise form.

Senator Muskie's initial response was to smooth things over at a private meeting with Philadelphia's James Tate, president of the Conference of Mayors. His more substantive response came May 5 when he reintroduced his own revenue-sharing bill with modifications. The bill got less attention than it deserves. For together with other Muskie initiatives in Congress it constitutes not just a solid Democratic alternative to the Administration proposals but the beginnings of an adequate federal program.

The Muskie bill retains the guarantee of automatic aid to states and cities, which is the essence of revenue-sharing's appeal to those who are tired of pleading with one grudging Congress after another. While Nixon would give cities and states 1.3 percent of federal income-tax revenues, Muskie adds to this federal dollars in the amount of 10 percent of aggregate state income-tax collections. This puts another billion into the pot the first year, as well as tying future amounts to how heavily states tax themselves. But Muskie's plan goes on to weight the amount localities would receive on a scale that takes into account both the incidence of poverty and the level of public assistance payments. And it adds a nondiscrimination string in the form of a mechanism for individual or class-action suits against offending jurisdictions.

Muskie's bill is offered as a supplement to categorical aid programs, not a substitute for them. His introductory remarks delineated the functions such programs should serve: "Revenue sharing is needed because the distribution of income and wealth varies so widely throughout the country. There are vast differences in the tax-paying abilities of the various communities across the nation." "At the same time," he went on, "we must continue and expand federal categorical assistance. These programs are directed at critical problems, national in scope, which must be attacked by the federal government because the states and localities alone cannot deal with them or have not dealt with them effectively in the past."

Sen. Muskie still supports a federal welfare takeover, again recognizing that poverty like so many other problems called "urban" is national in scale. It is this fact which makes stringless revenue sharing not just inadequate as *the* major urban assistance device, but dangerous. For it perpetuates the cities' responsibility for paying a disproportionate share of society's bills, and it makes the remedying of our most critical domestic ills a matter of state and local option, while reducing incentives for remedial action.

The mayors are beset by a battery of conflicting claims upon their attention and resources. The political clout of the urban poor and minorities is rarely powerful enough to compete with that of rival claimants. There are far larger constituencies behind better street paving and larger police forces than behind welfare reform or compensatory education. This competition is getting increasingly bitter. The white working class, especially in the industrial cities of the Northeast, is flexing its muscles and voicing genuine grievances. Its increasingly militant resistance to "singling out" others for attention, combined with the decline in the patience and "reasonableness" of long-deprived minorities is a new fuse on the urban time bomb.

The President would simply throw money into this pit and let the contending groups scramble for it. The effect would be to remove the protective shelter of federal restrictions from those mayors—and there are many—who understand that the plight of the poor and of minorities is the most urgent they confront. With this shelter, of course, come webs of federal administrative strings, which is another reason for the mayors' fondness for general revenue sharing.

The Democratic mayors and governors (and John Lindsay, too) can continue beating what Wilbur Mills has certified to be a dead horse. Or they can try to rally the Democrats behind a comprehensive program of fiscal reform, including: (1) revenue sharing weighted according to both tax effort and need; (2) expansion and consolidation of existing grants-in-aid; and (3) federal assumption of responsibility for welfare and other poverty-related services. The Muskie initiatives offer the structural skelton for such a program. They will not in themselves, as he acknowledges, "reverse the order of our national priorities." Nor would they use the full leverage of federal revenues to effect state and local reform. But they would, as modestly claimed, provide "a logical and workable beginning toward correcting the fiscal imbalance in our system."

UTAH SYMPHONY ORCHESTRA IN CONSTITUTION HALL

Mr. BENNETT. Mr. President, under the talented baton of Maestro Maurice Abravanel, the Utah Symphony Orchestra played its first concert in the Nation's Capital last evening, prior to its second international tour. To those of us privileged to hear the concert it was truly a memorable evening.

Utah has long been associated with the famous Mormon Tabernacle Choir, which is noted worldwide for its excellence. However, the Utah Symphony is fast gaining a like reputation for its singular artistic merit, and last evening's performance at Constitution Hall most certainly will enhance and perpetuate its growing reputation.

Regarding the orchestra's rendition of the First Symphony of Brahms, Washington Post music critic Paul Hume today writes:

The visitors from Salt Lake City played the symphony with notable comprehension of both the energetic motion of the work and a finely molded sound in its songful measures.

He adds:

It has been a long time since any conductor has brought us as brisk a view of the Brahms First as Abravanel offered.

The Brahms number, compiled with works by Rorem and Ginastera and the several encores demanded by an appreciative audience, made the musical feast one to be long remembered.

Mr. President, the Utah Symphony Orchestra will play no less than 23 concerts throughout Latin America during the next 30 days. I know they will be fine ambassadors for Utah and for America as they communicate in the international language of music. And I am sure the Senate joins with me in wishing the Utah Symphony Orchestra Godspeed on their arduous journey.

POVERTY—LITTLE IMPROVEMENT FOR THE ELDERLY

Mr. CHURCH. Mr. President, recent Census Bureau statistics on poverty in the United States present a very grim picture for our 20 million older Americans.

Approximately 2,735,000 unrelated individuals 65 and older fell below the poverty line in 1970, nearly 75,000 more than in 1969. This represents about 47 percent of all aged persons who live alone or with nonrelatives.

Moreover, another 13 percent, or 752,000 are considered near poor. The net impact of these statistics is that 60 percent of all individuals 65 and older living alone or with nonrelatives would be classified as poor or near poor.

In families headed by a person 65 or older, 16 percent—or about 1,166,000 family units—live in poverty. Compared with 1969, this constitutes a reduction of 77,000. However, another 597,000 families with an aged head are in the near poverty category. Thus, about 25 percent of all older families would be considered poor or near poor.

Perhaps the most economically disadvantaged are aged Negroes. About five out of every six, 65 and older who live alone or with nonrelatives are poor or near poor. Approximately 73 percent fall below the poverty line, and 10 percent subsist on near poverty income. Moreover, 18,000 aged Negro families were added to the poverty rolls in 1970, raising the 1969 figure from 211,000 to 229,000. This represents 41 percent of all elderly family units among Negroes.

Translated into dollars and cents, the poverty threshold on a weighted basis for an aged person amounts to $1,852. For an elderly couple, the poverty index is $2,328. And the near poor threshold would be 125 percent of the poverty index—or $2,315 for a single person and $2,910 for an aged couple.

These figures clearly show that timid measures are not going to solve the intense economic problems confronting millions of aged Americans. Quite clearly, a major reform is needed if our Nation

is to come to grips with the retirement income crisis affecting a substantial segment of the elderly population.

For these reasons, I again urge early and favorable action on my Social Security Reform Act and the Older Americans Income Supplement Act, S. 1645. In utilizing the social security system as the umbrella for lifting large numbers of aged persons out of poverty, this measure would:

Provide increases in benefits for all social security recipients but would authorize larger percentage raises for those who need them the most—persons with low lifetime earnings.

Establish a new $120 minimum benefit for individuals with 20 or more years of covered employment.

Authorize automatic adjustments for social security benefits to protect the aged from inflation.

Replace old age assistance with a new income supplement program, administered by the Social Security Administration and financed by general revenues, which would be sufficient to lift elderly persons out of poverty.

Provide for automatic adjustments for these supplemental payments to keep pace with rising prices.

Mr. President, I ask unanimous consent that three tables—relating to poverty aged among family units in the United States—be printed at this point in the RECORD.

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

POVERTY THRESHOLDS (POOR AND NEAR POOR[1]) OLDER UNRELATED INDIVIDUALS AND FAMILIES BY LOCATION AND SEX, 1970

[Weighted averages]

Location and sex	Unrelated individual 65 and over		2-person family (couple) head 65 and over	
	Poor	Near poor	Poor	Near poor
Total	$1,852	$2,315	$2,328	$2,910
Nonfarm	1,861	2,326	2,348	2,935
Male	1,879	2,349	2,349	2,936
Female	1,853	2,316	2,336	2,920
Farm	1,586	1,983	1,994	2,493
Male	1,597	1,996	1,996	2,495
Female	1,576	1,970	1,972	2,465

[1] Near-poor threshold is defined as 125 percent of the poor threshold.

NUMBER AND PROPORTION OF FAMILIES AND UNRELATED INDIVIDUALS IN HOUSEHOLDS WITH INCOMES BELOW THE POOR POVERTY THRESHOLD. ALL AGES AND 65 AND OVER, 1969 AND 1970

[Numbers in thousands]

Family status and color	All ages				65 and over			
	Number		Percent		Number		Percent	
	1969	1970	1969	1970	1969	1970	1969	1970
Families	4,950	5,214	9.7	10.0	1,243	1,166	17.6	16.3
White	3,555	3,701	7.7	8.0	1,014	921	15.6	14.1
Negro	1,326	1,445	27.8	29.3	211	229	41.7	40.8
Male head	3,146	3,280	6.9	7.1	980	964	16.4	15.7
White	2,490	2,604	6.0	6.2	836	783	15.0	13.8
Negro	609	625	17.8	18.3	135	167	38.2	39.3
Female head	1,804	1,934	32.3	32.5	263	202	23.6	19.9
White	1,065	1,097	25.4	25.0	179	138	18.8	15.8
Negro	718	820	53.2	54.5	77	61	49.5	45.6
Unrelated individuals	4,851	5,023	33.6	32.7	2,660	2,735	47.3	47.1
White	3,962	4,121	31.8	30.7	2,300	2,392	45.0	44.8
Negro	806	840	46.0	48.1	336	322	74.7	73.2
Male	1,379	1,431	25.3	24.0	567	549	39.8	38.9
White	1,047	1,088	23.4	21.8	448	456	36.3	36.1
Negro	287	301	35.2	36.1	107	80	70.0	59.8
Female	3,472	3,592	38.5	38.2	2,093	2,186	49.9	49.7
White	2,914	3,033	36.4	36.0	1,852	1,936	47.7	47.5
Negro	520	539	55.4	59.1	229	243	77.2	79.1

NUMBER AND PROPORTION OF FAMILIES AND UNRELATED INDIVIDUALS IN HOUSEHOLDS WITH INCOMES BELOW THE POOR AND NEAR-POOR POVERTY THRESHOLD. ALL AGES AND 65 AND OVER, 1970

[Numbers in thousands]

Family status and color	Between poor and near-poor levels (near poor only)				Below near-poor level (poor plus near poor)			
	All ages		65 and over		All ages		65 and over	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Families	2,241	4.4	597	8.3	7,455	14.4	1,763	26.6
White	1,795	3.8	525	8.0	5,496	11.8	1,446	22.1
Negro	414	8.4	71	12.7	1,859	37.7	300	53.5
Male head	1,795	3.9	518	8.4	5,075	11.0	1,482	24.1
White	1,480	3.5	461	8.1	4,084	9.7	1,244	21.9
Negro	283	8.2	55	12.9	908	26.5	222	52.2
Female head	446	7.5	79	7.8	2,380	40.0	281	27.2
White	315	7.2	64	7.3	1,412	32.2	202	23.1
Negro	131	8.6	16	12.0	951	63.1	77	57.6
Unrelated individuals	1,296	8.4	752	12.9	6,319	41.1	3,487	60.0
White	1,156	8.6	703	13.1	5,277	39.3	3,095	57.9
Negro	118	6.7	45	10.2	958	54.8	367	83.4
Male	371	6.2	165	11.7	1,802	30.2	714	50.6
White	306	6.1	149	11.7	1,394	27.9	605	47.8
Negro	50	6.0	17	12.4	351	42.1	97	72.2
Female	925	9.9	587	13.4	4,517	48.1	2,773	63.1
White	850	10.2	554	13.6	3,883	46.2	2,490	61.1
Negro	67	7.3	28	9.2	606	66.4	271	88.3

REFORM OF REGULATORY PROCESSES

Mr. ALLOTT. Mr. President, there is a large and growing interest in the Nation in reform of our regulatory processes. Thoughtful men and women in various walks of life are giving careful consideration to the problems addressed and the proposals offered by the report on selected independent regulatory agencies prepared by the President's Advisory Council on Executive Organization.

One such thoughtful citizen is Mr. Z. L. Pearson, Jr., of Denver. He has been kind enough to share his clear thinking with me, and I would like to share that thinking with this body.

Therefore, Mr. President, I ask unanimous consent for his thoughtful letter to be printed in the RECORD.

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

DENVER, COLO.,
April 22, 1971.

Hon. GORDON ALLOTT,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SIR: As you know, President Nixon recently released, for study and comment, the "Report On Selected Independent Regulatory Agencies" prepared by the President's Advisory Council On Executive Organization.

This Report was the subject of an Institute, by the American Bar Association, which was held in Washington, D.C., on April 16 and 17, 1971. During the course of the Institute the so-called Ash Report was vigorously discussed by able participants in three separate panels. For your convenience I have attached hereto a copy of the Institute program.

While the Council's recommendations were enthusiastically supported by some panelists, serious doubts were raised by others as to the merits of various recommendations. After reviewing the Report myself and listening closely to all of the arguments raised by the panelists, both those who supported and those who criticized the Report, I came away convinced that the Institute and the Report had done little more than scratch the surface with respect to the real issues.

There was much discussion about the Council's recommendation to replace "collegial" regulatory bodies with single administrators, but no specific discussion of the constitutional questions raised by the Report's proposal that:

"These officials should be appointed by the President, upon the advice and consent of the Senate, *to serve at the pleasure of the President.*" (At Page 20. Emphasis added.)

It is undoubtedly true that the independent regulatory agencies have operated at efficiency levels well below those postulated

by political scientists, economists and others. While much of their criticism could be dismissed as Utopian, some of it cannot. The causes for failure are obviously varied in nature and much more complex than whether or not the agencies are headed by a single administrator or a collegial body. Among probable causes we should certainly list the following:

1. Conflicting Congressional mandates.
2. Unrealistic budget restrictions.
3. Lack of regular and systematic review of agency performance and responsibilities by Congressional oversight committees.

Personally speaking, it seems that all of the discussion as to the relative merits of single administrators vis-a-vis collegial bodies is of secondary rather than primary importance. Of course, it is obvious that a single administrator, even if he does not "serve at the pleasure of the President," is far more likely to be subservient to the Executive Department's interpretation of what national policy ought to be than members of a collegial body, serving staggered terms, who are removable only for cause.

Under the pressures of at least three major wars, declared and undeclared, during the past forty years we have witnessed a tremendous expansion in the asserted prerogatives and responsibilities of the Executive Department. Many commentators have observed that some of these incursions into Congressional areas of responsibility are wholly improper in all but the most imperative national emergencies.

Realistically viewed, the Ash Council's recommendations contemplate a further expansion of the Executive Department's powers with respect to the control of the administrative agencies. Extension of the Executive Department's powers can come, under our form of government, only at the expense of one of the other branches. I, for one, am opposed to any further abdications by Congress. The prospect of having regulatory agencies, which are claimed to have greater impact on the American public than any other single governmental force, headed by a single administrator serving at the "pleasure of the President" is more than slightly disturbing. Such an Administrator would have no choice but to seek to implement the incumbent Presidents' views as to what national policy ought to be. As you are aware, this has at times been at considerable variance or in direct conflict with Congressional mandates on numerous matters.

For example, with respect to transportation, Congress has enunciated a National Transportation Policy:

". . . to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense."

On the other hand, the President's Council of Economic Advisers, and others within the Executive Department including Assistant Attorney General Richard W. McLaren, have urged that transportation regulation should be superseded by free market competition and the general provisions of the Anti-Trust Laws. Numerous voices have echoed this call, as purportedly being in the public interest, for diverse and sometimes personal purposes.

As an illustration, it can be noted that the railroads have long urged that deregulation is a necessary prerequisite to effective pricing polices. By this the railroads are generally understood to mean that they wish to reduce certain rates and charges to be competitive with regulated or unregulated transportation forces. Deregulation would probably have other consequences as well. Having seen the railroads abandon all responsibility for either freight or passenger service at numerous small points throughout Colorado and the rest of the United States, and having in mind the recent statements by the Trustees of the Penn Central Railroad that certain prices should be increased two to three times present levels, it becomes highly questionable whether elimination of the economic regulation of transportation would really be in the public interest. Realistically, the motor carriers and other transportation entities could be expected to follow the practices of the railroads by ceasing to serve the smaller points and places or to handle small shipments and other segments of traffic believed to be less than adequately compensatory.

It is my belief that the position of the President's Council of Economic Advisers and the Congressional Joint Economic Committee, with respect to transportation deregulation, is not well founded. Rather than being based upon fact, it is prompted by mere hypotheses, unsubstantiated opinions and other forms of wishful thinking. The pronouncements of the Council of Economic Advisers, on deregulation, should certainly be taken with a "grain of salt," particularly in view of the serious questions raised by knowledgeable economists as to the validity of even the Advisers' economic prognostications.

Obviously, no meaningful determination as to the proper future course for the independent regulatory agencies can be made without an in-depth analysis. As I understand it, this is exactly what is contemplated by S. 784, which has been introduced by Senator Baker of Tennessee. I would strongly urge Congress to take the initiative and examine into the need, if any, for changes in the substantive responsibilities and procedural format of the independent regulatory agencies.

Very truly yours,

Z. L. PEARSON, Jr.

ARE PISTOLS INDISPENSABLE?

Mr. KENNEDY. Mr. President, again our attention focuses on the tragedy and the pain caused by the indiscriminate and unlawful use of firearms. In the past our Nation paused to mourn and look inward when popular figures were gunned down. In recent days, the metropolitan communities of Washington, D.C., and New York City were stunned by the wanton murders of policemen.

When I introduced the Personal Safety Firearms Act last February, one statistic that stood out in my remarks concerned the number of policemen killed by criminal action in 1969. For that year, 83 police officers lost their lives in the United States due to criminal gunfire. Throughout the decade of the 1960's, 561 policemen lost their lives and all but 23 of these deaths were caused by guns.

An editorial in the Washington Post today refers to the concern of the director of the International Association of Chiefs of Police, Quinn Tamm, about the ownership of handguns by civilians. Mr. Tamm can see no sense or reason in the private possession of pistols.

One of the principal provisions of my bill is to place a ban on the domestic output of hand-held firearms. The 1968 Gun Control Act has effectively barred the flow of cheap foreign made pistols into this country. My bill would shut off access to these dangerous weapons. Those who can demonstrate legitimate uses for handguns—policemen, target shooters, and the like—would, of course, retain possession of the weapons needed for these purposes. But, the cheap "Saturday night specials"—as police call them—would be outlawed.

The Washington Post treats the issue of private ownership of pistols in a manner that properly focuses on the deep concern that the seriousness of this issue warrants.

For that reason, Mr. President, I ask unanimous consent to have printed in the RECORD the June 2, 1971, editorial in the Washington Post entitled "Are Pistols Indispensable?"

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

ARE PISTOLS INDISPENSABLE?

That well-known bleeding heart and professional do-gooder, Quinn Tamm, director of the International Association of Chiefs of Police, said on Memorial Day that he sees no sense or reason in the private possession of pistols. Mr. Tamm, long an advocate of effective federal firearms regulation in general, was led to this stringent view about handguns in particular by the recent rash of police fatalities by gunfire. A pistol is the customary weapon for the murder of policemen; it was, for example, the weapon employed in the recent wanton slaying of Officer William L. Sigmon here in Washington. Fifty-one police officers have been killed in the performance of their duties so far this year; 80 per cent of these killings were accomplished by guns—and probably could not have been accomplished without them; and the weapon in nearly every case was a handgun.

Mr. Tamm's view about this is entitled to attention—in Congress, in the Department of Justice, and even in the White House. He is a man of ripe experience in law enforcement; and if his concern for the lives of policemen seems sentimental to some of the stronger-stomached gun lobbyists, it is nevertheless rooted in conscience and it reflects an extremely widespread feeling among ordinary Americans. The community has a clear obligation to protect the public servants to whom it looks for protection against criminals.

What Mr. Tamm proposes—and what this newspaper has proposed often in the past—is a flat prohibition on the sale of handguns to anyone outside the armed services and the law enforcement agencies; and this would mean, of course, rigid limitations on the manufacture and importation of these deadly weapons. The clear corollary of this proposal is that individual owners of handguns would be required to turn them in to the government—with appropriate compensation, of course—by a determined date. Exceptions could be made for collectors, for individuals in special circumstances where need for a handgun could be demonstrated, and for gun clubs which could keep handguns on their premises for target shooting purposes.

It might be useful to compile a sort of balance sheet in an effort to see what such a draconian regulation would entail. On the minus side, one must acknowledge that it would take pistols away from those householders who fancy themselves as qualified to shoot it out with armed intruders in their homes. These warriors would still have at their disposal, however, as many rifles, carbines and shotguns as they desired—weapons more formidable for defense than pistols, although less useful to criminals, being so difficult to conceal when carried along for the perpetration of a robbery or an assault.

It has to be admitted also that the proposal would deprive "sportsmen" of the pleasure of target shooting with pistols (except at licensed clubs or shooting ranges) and that it would keep them plinking at tin

cans, empty bottles and other random targets (except with long guns). There is no sense pretending that these are not hardships, one can only suggest to those asked to suffer them that they are less grave than the hardships suffered by the widows and children of slain policemen.

On the plus side of the ledger, one can count, apart from policemen allowed to go on living, a certain number of children spared because their baby brothers or sisters were unable to find in some closet or bureau drawer a pistol they supposed to be unloaded; a certain number of wives or husbands still alive because in a moment of anger no handgun was at hand to settle a family quarrel; a certain number of human beings in despondency or despair granted a reprieve from death because no revolver was available to make suicide simple; a certain number of merchants and bankers and householders and other decent citizens unrobbed because some young punks wouldn't dare to attempt what was obviously beyond their powers without the help of a handgun.

Some of the gun lobbyists may think it squeamish to worry so about the gun toll. It is true that only a little more than 20,000 human beings are shot to death annually in America and that the number of those injured by firearms each year does not greatly exceed 200,000. It mounts up, however. According to former Attorney General Ramsey Clark, "Since 1900, guns have killed over 800,000 persons in America . . . Total casualties from civilian gunfire in this century exceed our military casualties in all the wars from the Revolution through Vietnam." Most of the killing and maiming has been done with pistols. Are they really indispensable?

POLICE KILLINGS

Mr. TOWER. Mr. President, in recent days there has been a great deal of concern about the subject of police killings, some of which seems to be the work of an organized group determined to use terror for political purposes. I am deeply concerned by these recent occurrences and believe that they must be condemned by all Americans as repugnant to our principles of decency and ideals of democratic society. This is a matter of national concern that we in the Congress must address.

In March of this year, I joined in sponsoring legislation, S. 1383, which would authorize the Federal Bureau of Investigation to assist the local law enforcement agencies in apprehending the slayers of policemen killed while acting in their official capacity. In this way the full expertise of the FBI could be brought to bear to insure that the killers be brought to justice. Local and State law enforcement agencies are doing a good job in combating the rising crime rate. However, they can most assuredly use Federal assistance when seeking out the perpetrators of police killing. Those who might contemplate such a crime might reconsider if they know that the entire weight of the Federal Government would be brought to bear against them. The legislation I have cosponsored might prevent conspiracy of this nature and certainly would help to assure that anyone who would kill a policeman would be swiftly apprehended and brought to justice.

I again urge the Senate Judiciary Committee to take quick action on this matter. Several recent events have made clear to us in all too tragic terms the emergency attention which this legislation deserves.

EDUCATION IN MASSACHUSETTS

Mr. BROOKE. Mr. President, this past weekend, two outstanding articles appeared in the Washington Post regarding education in Massachusetts.

One article dealt with an experiment being conducted in a pioneer valley of western Massachusetts. The other was the inaugural speech of the new president of Boston University, and its subject was a sense of time and tradition.

At first reading, these two article might seem to be the antithesis of each other: tradition versus timeliness, relevance versus reverence for the past. But in reality they symbolized the two crosscurrents of our culture, with variant points of origin which must be brought into a single focus. For the choice is not one of either or, but of combinations of both. The answers to our present social dilemma lie in some rewarding combination of the relevant and the reverential, of timeliness and time.

Hampshire College, near Amherst, Mass., has adopted as its motto: "to know is not enough." Here, students are encouraged to grapple with the major issues of our day. Their courses are not labeled "English I," or "Basic Philosophy," but "Dimensions of Consciousness," and "The Retreat From the World." Deans and professors live on campus. Dormitories are coeducational. For faculty and students alike there is an awareness that they are an experiment, and that the way they have chosen may not be best—for themselves or for others. But they are searching and learning together in the finest tradition of a truly educational institution, which is a community of scholars seeking to understand themselves and their world.

Boston University is an older, more traditional campus setting. Founded in 1869, taking for its nucleus a Methodist school of theology, it has sought to provide a basic, classical education, with the practical schools revolving like moons around the central core. Boston University has its traditional classes, lectures and exams. It also has a dynamic new president who believes that the rootlessness of our present age is directly attributable to the breakdown in family and community. He deplores our "instant culture," and seeks to draw students and parents alike back into an appreciation for each other—and a realization that each of us has known or will know the feelings and dilemmas of our brothers.

Both Hampshire College and president John Silber are reaching toward the same goal. With the kind of educational climate which prevails in Massachusetts, I believe that each will help the other to reach the summit for themselves and to guide others on the way. I applaud the concepts advanced in Dr. Silber's address and I welcome the courageous and questioning approach of the participants in the Hampshire experiment. And I ask unanimous consent that both articles may be printed in full at this point in the RECORD.

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

[From the Washington Post, May 30, 1971]

AN AGE REJECTS HISTORY

(By John R. Silber)

Twenty-five years ago my generation spent Saturday afternoon at the movies watching Henry Fonda play Frank James in "Jesse James." Later they watched him play Frank James in "Frank James"; and still later, Frank James in "The Return of Frank James."

And it was always the Robin Hood legend—a poor citizen oppressed by the rich, saved by a man who would preserve right and justice even though he chose the way of an outlaw. The assault on the "Establishment" was not regarded as subversive, for it was part of the Robin Hood legend, a socially accepted form of protest learned at our mother's knee. The Robin Hood legend, 800 or 900 years old, was still believable and exciting only 25 years ago.

Quite recently, today's graduating class saw Henry Fonda's son, Peter, in "Easy Rider." It is about outlaws, but not about Robin Hood. There are no Merry Men, a few gay ones, perhaps, but none that are merry. No fair ladies. There is none of that simple, optimistic poetry of the Frank James-Robin Hood era. Rather, "Easy Rider" is a restatement of the Faust legend, a new version of Peter Gynt or of Jurgen—all dramatic attempts to express man's insatiable quest for meaning and the difficulty of finding it, wherever and whenever one lives.

At the climax of "Easy Rider," in the midst of an ectasy brought on by drugs, we find Fonda, who plays Captain America, weeping in the arms of a large, stone, female figure. The figure might be seated before the Supreme Court building in Washington: Clearly, she is Columbia, with her weeping son on her lap. But in the background we hear the children at the nearby church school, reciting their "Hail, Marys" and singing the Kyrie Eleison. And we recognize that this woman must also be Mary, Mother of God—a pieta after Michaelangelo, The associations converge. Fonda is saying, "Mother, I hate you; Mother, I love you," expressing the profound ambivalence of today's youth toward society and its religious and political heritage.

Consider the changes. We have witnessed the triumph of science and technology that has carried us from an uncertain world in which we looked for nature, confused, impotent, and afraid, to the point at which we see nature as completely under our control—were it not for our own presence in nature and our inability to control ourselves.

We have seen the triumph of science, bringing with it as quasi-religious scientism. Its creed runs: We can get at the facts and thereby control anything. This inflated rationalism has put an inordinate value on efficiency and an inconsequential value on admirability. Science, which focuses on the rational ordering of events, has disregarded the process or passage between them. By concentrating on the pattern and ignoring the transition, science has in part caused and in part abetted a corruption of time.

For a while the development of science seemed altogether ennobling, uplifting to mankind: Galileo, Kepler, and Newton made marvelous predictions concerning the heavens. The Newtonian era opened up a whole technology, resulting in the invention of the steam engine and of thousands of devices that made life healthier and more productive.

The limiting point was reached in this century as science became the dominant cultural force controlling nature and minimizing the contingent, or accidental, elements of human life.

But with the outbreak of World War II the Janus face of science was exposed. The

benign face of science had smiled on mankind in the creation of instant health through wonder drugs. Suddenly there was the other face: instant death through the development of atomic and hydrogen bombs. Still there was more—the annihilation of cultural time through the development of an instant culture: New credit policies and credit cards giving rise to instant money, even if it means instant bankruptcy; fertilizers and insecticides producing instant abundance, even if it means flavorless plentitude and indiscriminate poisoning; television and radio offering instant communications, even if it means instant boredom and vulgarity; rockets and airplanes facilitating instant travel, even if it means instant death.

Instant death, of course, is rendered tolerable by the scientific, business and advertising interests which educate a society on wheels and on wings to accept casually a frightful carnage as a part of instant living—56,000 deaths each year on the highways, more than the American battle casualties of World War I. Insurance underwriter anticipate the crash of three 747s in the first 18 months of their operation, with the loss of them 1,000 to 1,500 lives.

ESCAPE BY CHEMISTRY

The development of pharmacology has led to our increased reliance on drugs, with the promise of instant "mental health." The Food and Drug Administration did not require persons on Miltown to hang a sign about their necks saying, "My personality is chemically derived." And Miltown was but a pastel daydream preceding the nightmare adventure with drugs. Casualties in Vietnam and at home include the growing mass of users of marijuana, LSD, and heroin.

We have seen, in short, the development of an instant religion promising instant ecstasy. Where Plotinus would persist in spiritual discipline for a long lifetime to achieve three experiences of religious ecstasy, in which by transcending his own individuality he achieved union with God or Being, a young man today achieves instant ecstasy at a needlepoint: an instant escape, not into Being, but into nothingness.

Even our traditional eating habits have been transformed by the instant culture: We now have instant foods leading to instant indigestion, for which there is an instant cure—the noisy bubbling of which brings to mind the witches' brew in "Macbeth." The American reaches an uneasy truce with his ugly digestion through the intercession of Alka Seltzer.

More seriously, we see the development of instant politics—politics by assassination and creedless revolution. The instant culture moves toward the last moment of its short existence by throwing away its heritage, its institutions, and the patterns marking a meaningful ordering of time in the passage of the individual from infancy through childhood to adulthood and old age.

For this perhaps unavoidable destruction of the meaningful order of time in the instant culture, we are neither individually nor collectively to blame. Nevertheless, we are moving rapidly toward our own destruction. All over the nation we hear cries of alarm about the pollution of air and the pollution of water, but we hear little or nothing about a pollution far more serious—that of time itself. We can, after all, recycle air and water through filters. But we cannot recycle time. We can live meaningfully—though painfully, unpleasantly and briefly—in dirty air, drinking dirty water. But when the structure of time is destroyed, the basis for significance in our own lives is likewise destroyed. All meaning is lost in the instantaneous.

The pollution of time is most obvious in our loss of a sense of history, in a loss of the recognition of the past as our own, in the loss of the awareness of any past, in the loss of the past in general.

THE END OF RITUAL

We see the pollution of time in the loss of the myths of childhood. As rationalistic devotees of scientism, we cannot afford to rear our children on Grimm or Andersen, on the myths of Santa Claus and Bethlehem or of Easter and Passover. We do not believe that there is a time and a place for everything—a time to be born, a time to be a child, a time to be an adult, a time to be old, and a time to die. We cannot take time to observe the rites of passage.

In this instant culture, little attention is paid to the rites of baptism, confirmation, engagement, marriage or even of death. What then is left of the meaningful structure of time? Time, that great river of life, is polluted and fouled to a degree threatening all possibility of meaning in human existence.

Behind the demands of youth for relevance and the demands of the elderly for law and order is the human concern for meaning, for a life that makes sense. In the search for meaning, man is essentially concerned with time, for time is the very matrix of human existence. And this initially unstructured matrix must be given content if a man's life is to have meaning.

This unavoidable quest for meaning is best pursued by ordering our lives in a manner faithful to our temporal natures. Since we live in time, we have different responsibilities, obligations and functions, depending on our changing age. A child should be a child and not an adult; an adult should be an adult, occasionally childlike perhaps, but never childish. Our lives are blighted or even destroyed when the temporal order is not respected. A child can be ruined or his adult life made unbearable if he is propelled into an adult world for which he is not ready.

Special problems likewise attend the aged, and the concerns of the old have as much relevance to the search for meaning in life as the concerns of the very young, for the very young will surely be old if they live long enough.

But the instant culture allows no time for the development of a variety of human relationships at substantially different levels of intensity: All associations, including the most profound and the most intimate, are placed on an instant basis. We indiscriminately use first names in addressing total strangers; we have become experts in instant friendship, instant sex, and even instant marriage—marriage that can be dissolved immediately after instant consummation.

THE VIRTUE OF HYPOCRISY

The philosopher of instant culture is Diogenes. He needed a lantern only for rhetorical purposes, to remark on the scarcity of honest men. He never dined; he only ate. He wouldn't make love; he would only rut.

Having nothing to sell, Diogenes prided himself that he could not be bought. And the modern Diogenes is exquisitely honest, if honesty means simply the absence of hypocrisy. However, if the absence of hypocrisy means only that one has espoused no ideals, there may be some value in recalling Rochefoucauld's aphorism: Hypocrisy is the tribute vice pays to virtue. One must at least espouse an ideal to achieve the level of hypocrisy; hence, a hypocrite may excel a mere cynic. In our fully developed instant culture sincerity has become the only virtue—for sincerity alone among the virtues can be assessed at a given moment. Sincerity is no substitute for integrity. Integrity, or moral character, can be assessed only through time.

Commitment has become a dirty word in the mouths of those most sensitively reflecting the instant culture. For how can one whose primary virtue is sincerity be committed to a lifelong bond like marriage? How can one who prizes only sincerity promise to love and honor indefinitely when he may not feel like doing this years, months, or even minutes from the time he makes that avowal? No one stays in love for long except through commitment. Hence, the anomaly of marriage in an instant culture.

Our society's pattern of two-generation families—and this for only a few years—is typical of the instant culture. Children are denied the important discoveries that are to be made about human existence by observing old age and death. The very old are denied the sense of renewal implicit in birth and childhood. Children are deprived of wisdom and grandparents of hope. Persons are bereft of the sense of enduring family ties: they spend most of their lives in isolation from those who care most about them.

The process of life, the process of maturing and dying, is no less spiritual and intellectual than physical. Just as ontogeny may be said to recapitulate phylogeny in the development of the body, so the individual may be said to recapitulate aspects of human history in his intellectual and spiritual development. If the individual is to develop to a significant degree, he must discover, live with, and then discard some of the fundamental responses of the race to human existence. Otherwise, he may simply repeat those responses in their least significant and satisfying forms.

The program of our universities must therefore be to instruct students in the importance of time and in the way in which scientism—a secular religion developed by overextrapolation from science, a religion of which our ablest scientists have never been votaries—has corrupted time by treating it as a mere "independent variable." This denudement of time, in concert with many other cultural and technological forces, has produced the ultimate reductionism of instant culture. Strategies of inquiry dominated by inappropriate models of the scientific enterprise have produced specializations in the humanities, the social sciences, and even in the sciences themselves that are so narrow as to resist combination into a coherent body of knowledge.

Specialization which atomizes learning and thereby renders it non-meaningful has been encouraged by programs of quite deliberate incoherence. The cultural pursuit of non-meaningful phenomena, to which Marshall McLuhan inadvertently bears witness, is only another expression of the instant culture's disdain for temporal process.

McLuhan, as the prophet of the instantaneous, has helped to undercut meaning by stressing instant perception and thought in the post-electronic age. As if men thought any faster today than in pre-electronic times! As if they could transcend the brackish salt water of their nervous systems in which currents move, not at the speed of light, but at the same modest pace of pre-electronic years!

Education must change in profound ways to meet cultural changes. We must regain the same respect for time that the American Indian had for nature, for time is a part of nature. The Indian said that the earth was his mother, the sun his father, that nature was his law, and that all but man obeyed. In our instant culture, in which we have polluted not merely air and water but also the very temporal fabric of our lives, we know that recovery of respect for time requires the recovery of our past, the seeing of our present in terms of that past, and a strenuous effort to anticipate the future in the light of both.

And it also requires the courage that we in this generation have lacked—the courage alluded to by Yeats. Survival is not possible if the best of us "lack all conviction, while the worst are full of passionate intensity." We sorely need conviction, a conviction that will prompt us—self-consciously and no doubt with embarrassment—to talk straight to our children about our heritage, about our past, and about aspects of life they may not fully understand. We need the courage

to deny at some times and to give at others, so that structure, order, and meaning can be incorporated into the lives of our children, while restoring some structure in our own lives.

HEALING THE WOUNDS

Our youth can acknowledge the justice of the charge that they are at times ignorant, misdirected, confused, and foolish. But are they asking too much when they seek an *amicus curiae,* a helping hand? Is there not something amiss in our denunciation of those who effectively decry our false steps—when we have failed to take the right steps? Is it not reasonable that our children complain of the squalor of their lives in a spiritual wilderness, saying that their elders have neither vision nor hope of a promised land?

Of course there is a generation gap, but it is not unbridgeable. The generations have rarely understood each other. Why else should Moses have said, "Honor thy father and thy mother?" Not because mothers and fathers were being consistently honored at the time of Moses! The young and old will always be forced to carry the burden of transferring the vitality of civilization from one generation to the next. The heir must be readied for his patrimony, and the parent must be prepared to relinquish his estate. No failure in political leadership in recent years can compare in importance with the failure of all politicians and all parties to denounce those who exacerbate the difficulties between the generations and encourage a civil war between young and old.

Young and old, each guilty of rhetorical overkill, are participants in a culture on which none of us has had an effective influence—an instant, time-polluting culture that, after a 400-year gestation, caught us by surprise.

If we reorder time to celebrate youth and age and the gradual metamorphosis from one to the other, if we regain our sense of time and value our present differences in the recognition that each of us plays all the parts in sequence, we shall see that there is no salvation for the young or the old at the expense of either. We shall find loving and fulfilling collaboration in a time that is well ordered.

HAMPSHIRE COLLEGE: PRODIGY OF PIONEER VALLEY

(By Jeannette Smyth)

Culture shock for an old grad: you ride the Peter Pan Bus line 40 miles from the Hartford, Conn., airport. All the Smith College girls in their red midi trenchcoats get off in Northampton. Most of the students stay on the bus until Amherst, Mass., there to go their separate ways to Amherst College, the University of Massachusetts, Mount Holyoke College, or Hampshire College.

Hampshire College?

A new—and frankly experimental—strain of ivy for the Pioneer Valley.

Created by the establishment as a thoughtful revolution in higher education, Hampshire is a laboratory testing new methods of coping with a swiftly changing culture. Hampshire also is dedicated to preserving traditional intellectual virtues of tolerance, self-discipline, and responsibility—the legacy of its parents.

You drive south from Amherst along Rte. 116, past Victorian houses, farm houses, split-level ramblers. Fertile farming valley, spiny old sleeping-animal mountains, orchards. It's Robert Frost country—he lived there some years ago when he taught at Amherst. Volkswagens abound. They call submarine sandwiches "grinders."

Four miles out of Amherst you turn right, curving along the smoothest of new asphalt driveways toward a colonnade of birch trees on a hill.

Behind those birches: Hampshire College, 12 years in the making and two semesters old yesterday; the brainchild of the four other schools in the Pioneer Valley; a first-year student body of 268 students—mostly 18-year-olds trying their wings at a school whose curriculum was made to be changed; an institution in the making, unfettered by those arbitrary—but sometimes reassuring—reference points that mark more conventional schools.

In the mortar of the bricks: New York attorney Harold Johnson's $6 million given as seed money in 1965; the credo that students must learn ways to deal, technically and ethically, with problems like The Bomb, The Computer, The Pill—and that education is a continuous process; the perhaps fallible assumption that given freedom, time, and help, students will study hard and independently.

In the classrooms: 48 super-professors without tenure, whose 3- to 5-year appointments will never be subject to student approval; students selected at random by computer participating with teachers in the campus governing bodies, but never on the board of trustees; a *liberal* liberal arts education with the sole requirement that students succeed at three sets of comprehensive exams within five years.

Impressions: an old apple orchard planted with buildings by Cambridge architect Hugh Stubbins . . . dark brick, pale concrete stripes, triangular black metal bay windows . . . slim saplings, bristling more with guy wires than branches, mark the pocket-sized squad . . . the construction foreman for a new dorm sporting a hard hat with both the American flag and "Hampshire College" painted on it.

Squads of pied dogs cavorting on the new grass . . . students in cut-off jeans and colored tee-shirts playing softball on the quad by way of unkinking exam-anxious muscles . . . Traffic's "John Barleycorn" singing out from the stereo speaker hung in a dorm window . . . students sitting behind the dorms under rows of flowering apple trees, studying.

A class discusses Jesus' politics and peach-colored hot pants grow before your eyes, row by row, under the fingers of a girl crocheting . . . a gaggle of children being tutored by Hampshire students makes peach pies in the kitchen of the Master's House.

The library tour: acres of orange carpeting so bright it almost breaks the silence . . . Captain Marvel comic books in the bookstore . . . a class meeting upstairs and a voice remarking "I think the problem is considerably more interesting than the answer." . . . A lone student punching a typewriter-like computer outlet in a science lab, while a 3- by 4-foot poster of Einstein looks on surprised.

More posters in the lobbies of the coed dorms advertising a lecture by Socialist writer Michael Harrington one night, the Maharishi Mahesh Yogi the next . . . rearrangeable modular furniture in a student's room turned into a jungle gym for living . . . in the dorm bathrooms, shared by men and women, a bottle of Afro-Sheen, two shaving kits, a yellow and green hot house plant, a tampon dispenser and yet another poster, declaring "Hell, no! We won't go!"

A "LIVING-LEARNING COMMUNITY"

Hampshire College evolved from a 1958 paper called "The New College Plan" written by four professors representing each of the neighboring colleges. Their paper grew into a 1966 book called "The Making of a College," which grew into nine-going-on-10 buildings.

The author of that book was appointed president of the college that same year. He is Franklin Patterson, the 54-year-old former director of the Tufts University Center for Citizenship and Public Affairs. His co-author, Charles R. Longworth, is now his vice-president.

In "The Making of a College," Patterson acknowledges the legacy of traditional education at its finest. He writes that "the vision of liberal education at Hampshire College is one of hospitality to contemporary life, tempered and given meaning by two ageless virtues which may seem archaic in the modern world; duty and reverence."

Quoting that book, people at Hampshire call themselves a "living-learning community."

Among other things, this means that the college people teach in the Pioneer Valley society and ask Valley people of all kinds to teach them—an important part of the college effort to break down the "dichotomy between 'academic' and 'real' life." A "January Term" system, a month in which students pursue approved projects on campus or afield, encourages the students to seek the "real" world.

It also means that Hampshire calls itself a "laboratory." Experiments include the organization of the curriculum into three progressive divisions—Basic, School, and Advanced Studies—with no set credit-hour requirement—rather than the traditional four-year,128-credit-hour education that Patterson calls "the old lockstep system." Other experiments involve interdisciplinary courses like semantic theory, computer, languages, and speech symbols, instead of traditional language requirements, like French.

Finally, it means that Hampshire is considered an auxiliary of and an alternative to students and faculty at the four neighboring colleges.

People at Hampshire College are painfully self-conscious—and frequently chagrined by their well-publicized roles as advocates for, developers of, and participants in a "college for the future." Their beleaguered sense of humor makes it all easier to take.

For some, Hampshire's goal of "modern liberal education" in an unstructured environment evokes visions of knowledge flawed by fleeting "relevance:" pseudo-scholarly dictionaries of astrology, annotated varoriums of Beatle lyrics, too much effort expended on questionable sciences and arts.

For example, one of the most popular courses at Hampshire is in "human development." Called "Dimensions of Consciousness," the course includes sensitivity training and encounter groups.

Observers at neighboring Ivy League schools express a certain envy of Hampshire students' freedom to follow self-determined paths of inquiry. But it is tempered with skepticism that Hampshire students have the necessary self-discipline.

Because the students at Hampshire have not been scholars long, one measure of the College's devotion to such traditional "virtues" is the extent to which professors—the only proven scholars associated with the college—display them.

They show a good deal of "duty and reverence" to the rigors of classical education. Their credentials are spangled with degrees from Harvard, Yale, Columbia, M.I.T. and Smith, from Cambridge University, Union College and Pratt Institute.

There are no faculty lounges or dining rooms or hideaways at Hampshire College. Professors and administrators are highly visible.

Santayana scholar and dean of the college, Richard Lyon, is—at 6 feet 5—probably the tallest human being on campus. He taught one of the required courses last semester in language and communications.

It's called "The Retreat From the Word" and reflects the emphasis Hampshire places on learning that words are symbols that require precise definition for effective communication.

Lyon is the first to arrive in his class room. He wears a striped shirt and tie, tweed jacket and beard. He arranges the orange plastic chairs in a circle on the carpet.

Students wander in and help. They wear

a classical, life-without-mother uniform of home-made hair cuts, jeans, and funky old boots. Or sneakers. Luxuries like earrings and socks are often ignored.

Lyon reads some newspaper clippings to the class. A student quotes R. D. Laing and Lyon says he hasn't read the expositor of the latest rage in philosophies (a mix of Occident and Orient). He exposes an academician's bias to the students by declaring his belief that words can still define "reality" in the realm of ideas better than other media.

Lyon could hang out behind a brass plate with "Dean" engraved on it. Instead, he says "Giving this course is part of my trying to learn what their retreat from the word is all about. Music is much more important to these kids than is reading."

Lyon talks about ways in which Hampshire College is the child of the Ivy League, ways in which it is Ivy's iconoclast and—possibly—its future.

"There's the notion of having the master live on campus," he says, "and the idea of having informal 'house courses' taught by students or Fellows. You'd probably think of Yale in connection with these ideas, but they're really more similar to the English universities." Lyon has been there—one of the several degrees is from Cambridge.

"The exam system here is different from anywhere," he says. In order to pass from, say, the division of Basic Studies to School Studies, a student takes comprehensive exams administered by a faculty committee with questions the student has helped his professor design.

President Patterson says: "God! I don't want to see us emulate a single part of the snobbism of the Ivy League. The only requisites I'm concerned with preserving—besides sanity and relative civility—are the exam evaluation structures."

Students will not be allowed to abolish such exams, in accordance with the college ukase that ". . . governance arrangements will not be egalitarian; they will be hierarchial." To take exams reverently is a student's duty.

"At their best," Patterson observes, "one of the things the best colleges have always done is really to provide every learner with a teacher." To this end, Hampshire plans to maintain a high faculty-student ratio by sharply limiting enrollment and encouraging older students to teach younger ones.

FORMING "A POWERFUL QUESTION"

Specific answers about the curriculum's method and purpose are hard to come by—intentionally. "What I am interested in," says Patterson, "is a student forming a powerful question that he may not be able to answer all his life."

Development of that "powerful question," a continuing and broad sense of inquiry, is Hampshire's canon. How effectively students ask questions is the measure of their progress.

This year, entering students were required to choose two seminars in natural sciences, one each in the humanities, social sciences, human development, and languages and communications. This works out to three classes a term, leaving a student ample time to explore topics within or outside the course on his own initiative.

Students receive no grades. They "pass," "pass with distinction," or "fail." If a student fails a course, he helps design a remedial one.

Hampshire sets no specific number of courses a student may fail before expulsion. A faculty committee may decide to expel a student on the basis of "bad attitude" and "lack of progress."

Required courses for the "well-rounded" intellect aren't unusual. What is unusual are new course and interdisciplinary concepts.

One course in "human development" is called "The Development of the Political Self." Students read the work of sociologists, anthropologists, and psychologists as well as the lives of people like Malcolm X, Hitler, and Gandhi. Students are encouraged to visit other seminars in "Adult Socialization" and "Sex Roles in American Society and Politics." "Human development" also offers more conventional courses: women's studies and black studies.

The school of natural sciences and mathematics offered seven seminars in "Environmental Quality" including a critical discussion of Hampshire's campus design. Another seminar in "Time" covered aging musical rhythms, and time techniques in literature. And a "Theories of Automata" seminar focused on computer physiology.

The problem with studying new phenomena for which there is no literature, no classical approach, no evaluation, is that they may turn out to be not worth studying, unsatisfying.

Prof. Jim Haden, who calls himself a "poor man's Normal Mailer", is mischievous, has "endured" the Ivy League, the tribulations of experimental schools, and understands the problems.

"I'm teaching this course in Western institutions in response to student demands," says Haden. "They said there were too many 'trendy' classes last semester."

Haden acknowledges disagreements within the faculty. The debate, he says, is largely between professors who advocate "personal growth" courses and the study of the New Culture (R. D. Laing, mysticism, sensitivity training) and those, like Haden, who think such doctrines questionable.

"Academic responsibility and 'personal growth' are separate," says Haden. There are plenty of people at Hampshire College who would—and do—give him a hard time about that. He loves it.

It's lunchtime. Haden walks out of the academic building, turns left past the dorms to the dining hall. Past the dogs, 17 bicycles, a still-life on the dorm steps: a half-full bottle of Piels beer, two Frisbees, a jar of Wonder Soap Bubbles, and The New York Times Sunday Magazine.

"The main vicissitude of a new institution," says Haden slowly, getting into the lunch line with the students, "is trying to figure out who you are."

And that collective identity crisis is what makes a great experiment like Hampshire College, or Reston, or the United States—a greening but sometimes obnoxious place to live.

Haden sits with two students, Gail Hershatter and Jackie Slater.

"We've been talking about the Hampshire lifestyle," he says.

Gail is down. "You've come at a bad time, in the middle of my 18th identity crisis. Besides," she says irritably, "Jackie and I aren't really in the mainstream of Hampshire life."

Jackie and Haden laugh. "Well, if you're not in it . . ." says Haden, and Jackie finishes the sentence, ". . . we have to know what it is we're not in."

"Well . . ." Gail is doubtful. "We don't do a lot of grass . . . there's a lot of grass . . ."

"There is everywhere," says Jackie. "That's not a *Hampshire* lifestyle."

"Oh, c'mon, Jackie, I dunno!" says Gail. She shoves her food around the plate, and looks up. "Tell me, do you thing the newspaper business discriminates against women?"

2,700 APPLY; 300 ARE ACCEPTED

Jackie works at the admissions office, where they are teaching her to interview prospective applicants.

"A woman came in the other day," says Jackie, "college-shopping for her daughter. She said she came because she heard 'you're the most competitive school in the country.'"

With 2,700 applicants for 300 places this year, Hampshire admits 11 per cent of its applicants. (Harvard admits 16 per cent.)

"But that's not the point," says Jackie. While Harvard students are fairly homogenous in terms of class standing, college board scores or achievement, at Hampshire "there is no typical student."

The statistics sheet, like much Hampshire College literature, is printed on bright-colored paper. It is purple. It says that 48 students with high college board scores (700–800) were admitted. Twenty-seven with low scores (300–500) were admitted.

It says that a high-school diploma is not required, pointing out that Hampshire's "flexible curriculum" should excite and teach the "average student" and "top scholar" alike.

The office of Van Halsey, the director of admissions, is in the parlor of an old farmhouse. He says Hampshire wants "good kids", not just the "hot shots."

Halsey is used to hot shots. "I was in the admissions office at Amherst for 11 years," he says. "If I thought we were going to be doing the same thing here, I wouldn't have left Amherst. There, it's admission by achievement, the model of American society."

Admissions procedures at Hampshire College are as self-consciously innovative as everything else. Halsey and his staff study traditional admissions criteria like achievement test scores and high school transcripts. But they give equal weight to the personal interview, trying to put together a "subjective portrait" of an applicant.

They search for students who have "a tolerance for ambiguity, a lot of self-confidence, and some self-direction."

Someone walks into Halsey's office and hands him a stained-glass window.

"Do you know Part E on the Hampshire application?" he asks.

Harvard has adopted that, too.

"An applicant has three options," Halsey explains. "A self-description from this adjective cluster sheet, letters of recommendation, or Part E—an example of the kid's work. It could be an art work," he says, "a novel, or a computer program." Or a stained glass-window.

Each Part E is evaluated by the faculty specialist in the field. Halsey looks at a blue tag tied to the stained-glass window.

"Let's see what he says . . . 'technique great, design pedestrian.' What I wanna know," says Halsey, looking up, "is this person teachable?"

It's dinner time.

"Whenever I'm hitchhiking into town," says Debbie Reilly, "people say, 'Oh, you go to Hampshire. What do you do?' Well I don't do anything. I don't make pots or carve wood. Nothing like that."

If Debbie Reilly doesn't know what to say, her classmate Mark Hadley has a speech all prepared.

"So many people come here," says Hadley, looking around the dining hall, "people from other schools, reporters . . . it's like when I was a professional youth on the Rotary Club lecture circuit. 'What is Youth thinking today?' Wow. I've got a whole Hampshire Rap, the 'living-learning experience' and all that."

A boisterous table across the room is celebrating someone's birthday with a good fight. "People here are so . . . jubilant," says Larry Schwab. "It's a relaxing place to be. I remember the first time I walked into this dining hall," he recalls. "Everybody looked so familiar, as though I'd known them all my life." Schwab's comfortable sense of *deja vu* is common.

Other students are uptight, though, less than ecstatic about the lack of a social life at Hampshire, and about the cliques that have formed, regardless of the "community" concept.

"The Paper People" is the provisional name for the mimeographed student newspaper. There's "A Letter to the Community" in it, from student Fred Rowley:

"For the first time since I've been here, I sat down and talked with a person . . . it is strange that that should have been such a rare experience . . .

"We talked of cliques, how damn hard it its to meet people, and how incredibly hard it is to get to know girls here . . .

"I'm leery of the Hampshire concept of community, and I envision a lot of someone's trying to push, form, hack, carve and/or shape us all into one happy family . . . A real community needs no carving."

Annie Brensilver looks at the mirror in her room. "I'm feeling fat," she says.

"Did you read Fred Rowley's letter? It's so true! There are so many cliques (the artsy-craftsy clique, the grass clique, the frisbee clique). There's no student union for people to gather in, there are no mixers and no fraternities to give parties—but that can be such a bad scene. Especially," she wails, "if you're FAT!"

"ALL THOSE SCREAMING KIDS"

"One of the really good things about this place," says Annie, "is having the master live on campus. Have you met the Smiths?"

"This friend of mine was really feeling bad one day, so she went over there, just to talk to some 'real' people. The Smiths were having a birthday party for their little boy, and they took my friend bowling with them. It was like really therapeutic for her to be surrounded by all those screaming kids."

David and Priscilla Smith live with their four children a step across the sidewalk from the dorms, in a house built by the college to accommodate large, casual crowds.

It often does. "There's very little privacy unless you insist on it," says David Smith. He shows you how his office flows into the living room—all carpet and window—into dining room into kitchen, splendid with an island stove.

Priscilla Smith says "We worked with the designer to set this up so David could teach his classes at home." You notice the U-shaped arrangement of the furniture, the stacks of cushions which serve as extra seating, little nests of tables that can be moved around.

The Smiths are having another one of their musical evenings. You curl up with a brandy in one of the red velvet chairs, and watch the madrigal singers arrive.

The professor-baritone examines Smith's books and the stereo; the student-soprano and Fellow-alto search Mrs. Smith's piano and her harpsichord for sheet music. The Smiths (alto and tenor) put the children to bed and serve potato chips.

Ask David Smith what a master does, and that look comes into his eyes. He's tired of the Hampshire Rap and he gives you a two-page mimeographed description of his job instead. It says that David Smith is a combination of dean of students, head of residence, and host.

Smith feels bound to amplify its picture, nevertheless. "The master is a regular member of the faculty, a full professor," he says. "The master doesn't come here to give up teaching but to teach in the new mode." He is a professor of English and American studies. He speaks of a course on witchcraft he gave during the January Term ("I was interested in complicating the idea . . .")

Beyond this, Smith says, "we are trying through the master program to find ways to build a sense of community among faculty and students and to eliminate the need for an administration."

Back to the dorms.

The students live there in peaceful coexistence. There seem to be few of the bitchy fights that characterize women's dorms, few of the practical jokes that mark men's. Perhaps it is because the freshman camaraderie hasn't worn off, or because one acts as an ambassador of one's sex to the other. It could be that 210 of the 268 students have single rooms to retreat to.

Whatever it is, there is an easy-going friendliness: "brother-sister" relationships, warmth toward strangers, amiable sexual intercourse with one another.

People in the dorms at Hampshire College are tolerant of music being played while they study, of the pots and pans in the kitchen on each floor being left dirty, of grass, of someone borrowing typewriters without asking, of puppies.

There are conventions reflecting the "civility" that President Patterson talks about. Each floor has a lounge, and one doesn't lounge there in one's underwear. One pauses at a friend's door before barging in. Bathrobes are worn to the bathroom. If someone keeps a neat room—and many do—well, you try not to mess it up too much.

Whenever coed dorms are discussed, The Question is always asked: Does living there encourage sexual intercourse?

A news magazine reporter is still being psychoanalyzed, still being laughed at at Hampshire for repeatedly asking "Does it make you promiscuous?" The students, of course, had a stock retort: "What is promiscuous?" or "None of your business." Many students at Hampshire are frank to say that they sleep together. At the same time they maintain that couples aren't sharing quarters in the dorms.

Why not?

"It's too much like being married."

Vanessa Gamble is in her room with Kim Shelton and Bill Kimball, dispensing a gallon jug of Rhine wine.

"Bill, how many pages of McLuhan have you read?" asked Kim.

"A hundred and forty-eight."

"Jeeee-ZUS!" says Kim. "I've only read 30 and I can't take any more. How am I gonna finish it by tomorrow?"

"Bag it," says Vanessa. "Don't force yourself to study because . . ."

"Then I'll hate it, right?"

"Right. Bill, when are you getting up tomorrow?"

" 'Bout 8."

"Will you get me up? I have to get to the library."

Paul Kaplan wanders by. He pokes his head in the door and says "I've just been to a freak-out class. Drama. Wow."

He drifts down the hall, shaking his head, past Melissa Hook. Melissa is sitting on the floor by the bathroom, brushing her puppy.

"'At first," she remembers, "I thought it would be very strained, having coed bathrooms. Like what if I got diarrhea or something and some guy is in there shaving? Nobody cares anymore."

Her puppy, Greta, pees on the rug. Melissa shouts, throws the dog out, sprays disinfectant on the rug and wipes it up.

It's midnight. The chorus of stereos has been replaced by the clacking of typewriters.

Everyone is working, and you're exhausted. All those questions no one can answer crowd the night, tapping out signals on typewriters. You're wishing you could discover physics or sex or Western Institutions or Rhine wine again; being glad and sorry that you're not.

The huge American flag hanging from the dorm's balcony quivers in a wind off Mount Holyoke range. One of the Smiths' little girls—Miriam—has left her tricycle on the quad. The bottle of Piels beer is still on the steps.

Non satis scire is the motto of Hampshire College. *To know is not enough.*

FDA COMBINATION DRUGS

Mr. TOWER. Mr. President, I am extremely pleased that the Food and Drug Administration has reconsidered their proposed regulations on the criteria for the approval of new combination drugs and for continued approval of currently marketed combination drugs.

This is a wise decision. Since these proposed regulations were issued in February, the medical and pharmaceutical communities, along with the general public, who would also be directly affected, have communicated a great deal of useful information to their representatives in the Congress and to the appropriate officials at the Food and Drug Administration. The comments of these individuals and groups clearly documented the drawbacks of these proposed FDA regulations.

There is little doubt that these proposals were promulgated with good intentions. We all agree that the consumer must be protected from ineffective and potentially harmful drugs. Yet, fixed-ratio drug combinations should be made available to individuals—even if the combination drug proves to be effective for only a minority of patients.

Furthermore, the restriction of fixed-ratio combination drugs, as outlined by the FDA proposal, would in many instances be contrary to general consumer interest. Physicians, patients and members of the pharmaceutical industry have made use of combination drugs for the simple reason that they are economical and convenient. At a time when there exists an indignant outcry for control of medical costs, it would seem foolish to restrict the use of those combinations that have shown no adverse medical effect on the patient.

I am making this statement in anticipation of the Food and Drug Administration's modifications of these proposals. Their modifications should insure that the fundamental physician-patient relationship remains intact. To act in any other fashion would jeopardize the medical community's ability to deliver services. I am concerned that governmental organizations and public officials are failing to take into full consideration the views of the medical community while analyzing proposed remedies to many of our health care problems. The FDA and other subdivisions within the Department of Health, Education, and Welfare must and should rely heavily on the opinions and views of the American medical community.

For this reason I feel the original regulations are not in the best interest of the American people. There is no one set medical position on this matter. The entire medical community does not agree with the position taken by the American Medical Association's Council on Drugs that most fixed-ratio combinations are not recommended. Therefore, a reasonable policy should provide flexible stand-

ards that both physicians and patients can exercise judgment based on economics, convenience, and medical effectiveness for each combination drug.

There is no need to remove from the market those drugs which FDA has already declared to be effective. A retroactive policy could not benefit, and would certainly increase, medical costs. Furthermore, the Government's primary drug research agency should be involved in new initiatives rather than reevaluation of drugs it has already approved.

In his letter on this subject to the distinguished minority leader, Mr. SCOTT, Dr. Charles C. Edwards, Commissioner of the FDA, pledged that—

> The FDA is not against useful fixed dosage combination drug products, nor do we plan wholesale removal of useful drugs from the market.

Certainly, Commissioner Edwards' explanation of the administration's policies is refreshing and in line with the feelings I have here expressed.

There remains a great deal of controversy on the subject of fixed-ratio combination drugs. I think everyone has benefited from the dialog that developed soon after the FDA issued their earlier regulations. Any regulations that are proposed in the future on this subject will hopefully reflect the comments received by the FDA.

Mr. President, while reviewing this issue, I have come upon an excellent article written by Dr. Louis Lasagna, chairman of the Department of Pharmacology and Toxicology at the University of Rochester School of Medicine. I ask unanimous consent that this article, published in the January 6 issue of Medical Tribune, be inserted at this point in the RECORD.

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

DRUG COMBINATIONS: SENSE AND NONSENSE

(By Louis Lasagna, M.D., Chairman, Department of Pharmacology and Toxicology, University of Rochester School of Medicine and Dentistry, Rochester, N.Y.)

Few pharmacologic topics stir up greater passions than fixed-ratio drug combinations. One sometimes has the feeling that they must all be odious, deceptive, and a serious threat to the public weal and that therefore any discussion of them need not bother to marshal facts dispassionately or even be logical or consistent. Are there any points on which everyone might agree? Let me suggest a few candidates:

Some fixed-ratio combinations are accepted by most people—multivitamins and oral contraceptives, for instance.

A drug mixture should contain ingredients that make sense when they are taken together.

It is desirable that doctors have some freedom and flexibility in prescribing.

Drugs given at the same time—whether in a single capsule or in separate ones—may interact in ways that alter the effects of the individual drugs.

The effects of drugs vary from patient to patient and from time to time in the same patient.

The popularity of a drug is not necessarily an accurate index of its efficacy or safety.

Now, however, let us consider some points which I believe to be valid but to which others might take exception.

1. Eliminating fixed-ratio mixtures will not per se eliminate fixed-ratio prescribing or insure better prescribing. Doctors now often administer multiple single drugs, frequently without flexibilizing dosage or timing, and a banned mixture could still be used by a stubborn doctor who was willing to write separate prescriptions for the ingredients. (He might be discouraged by the inconvenience but could not be stopped if he chose not to be.)

Indeed, as the A.M.A. Council on Drugs recognizes, the availability of a fixed-ratio preparation might actually deter "unnecessary multiplication of ratios." At least a commercially compounded fixed-ratio combination requires FDA approval, which is more than you can say for a doctor's own pet ratio.

2. The therapeutic judgment of doctors seems to evoke a strangely inconsistent rating from opponents of fixed-ratio combinations. On the one hand, it is said that doctors are ignorant of the proper dosage of individual drugs and of assessing the specific needs of their patients, so that if the starting dose of such a preparation is not working well, they simply double or halve the number of capsules, with the result that the patient may end up receiving too much of one ingredient or too little of another. On the other hand, it is stated that if a doctor were giving the same ingredients separately, he would then be smart enough to recognize which drug or drugs needed to be upped or decreased and flexibilize dosage appropriately. The argument is not totally devoid of merit, yet one wonders how valid this remarkably different assessment of physician performance and sophistication in the two situations really is.

3. A fixed-ratio combination may decrease medication error on the part of pharmacists, nurses, patients, or patients' families by allowing for less human error due to forgetfulness or confusion. This is a valid reason for considering the approval of a combination.

4. A fixed-ratio combination may be more pleasant for the patient to take than individual ingredients. Except to any Puritans that may be left in the world, there is little reason for a patient to gulp down four capsules instead of one or to be injected twice if once will do the trick. Thus, an increase in comfort is a valid reason for considering approval of a combination.

5. A fixed-ratio combination might be cheaper than separately prescribed individual drugs. This is a valid reason for considering using a ready-made mixture.

6. The widespread popularity of a fixed-ratio combination could be explained in several ways: (a) the ingredients each contribute something to the management of the sick, and the ratio works satisfactorily for most patients rarely requiring modification of dosage; (b) the mixture works poorly for a good many patients, but doctors are such poor observers that they are unaware of this fact; (c) the mixture works satisfactorily most of the time, but one or more of the ingredients adds nothing to the efficacy of the mixture and occasionally causes side effects.

What are the implications of the above? To me, the proper courses of action (assuming actual data to be available to distinguish between these three possibilities) would be, respectively, (a) approval; (b) physician monitoring and education; (c) deletion of the useless ingredients.

7. Tracking down the cause of an adverse reaction is no easier when multiple drugs are given separately than when they are given in a prepackaged mixture. This aspect of the doctor's life will be eased only if the banning of fixed-ratio combinations is not accompanied by simultaneous increase in prescribing of individual drugs.

8. It is said that the FDA determines for the doctor what dosage he should prescribe in a drug mixture. To be sure. But the FDA also determines what doses of single drugs he should use, and quite properly. That is the whole purpose of the package insert—to advise on initial dosage and on the limits of dosage modification. The physician can, of course, exceed these limits, but at his own risk (and that of his patient). He has freedom but not license. Is the situation so different for mixtures? Cannot package inserts indicate to the doctor the hazards of modifying the dosage of mixtures? If ratios of ingredients other than the generally recommended one are necessary to permit or encourage flexibility, could they not be made available? (They already are, of course, for certain mixtures.)

9. Trademark names may indeed perpetuate ignorance about the composition or nature of a drug, although they do this for individual drugs as well as for mixtures. (So, often, do generic names.) Mixtures do pose special problems in this regard, but alerting doctors to the importance of the pharmacologic characteristics of the medicaments they prescribe is a problem that deserves tacking on its own. Eliminating drug mixtures would help somewhat in this regard, but a large educational problem would remain.

10. Certain drugs introduced prior to modern controlled trials would not withstand critical scrutiny today, but others would. Aspirin and Digitalis are not any less effective because of their antiquity or the presence of, "testimonials" over the years as to their efficacy.

11. "Convenience" must be considered a valid reason for marketing a combination; otherwise all mixtures (including multivitamins, oral contraceptives, Ringer's lactate, etc.) should be withdrawn. This point is concurred in by the A.M.A. Council on Drugs and by the FDA's own advisory committee on combination drug guidelines but is said to be dismissed by top FDA officials. Ingredients can almost always be given separately and rarely produce true potentiation if given together. If the FDA plans to accept convenience as an asset only in the case of demonstrated potentiation (rather than simple additivity), the profession can forget about most mixtures now in use.

12. Allowing one to "cover bets" therapeutically is a valid reason for the existence of a fixed-ratio combination. In a given clinical situation, the physician may not be able to come up with a precise diagnosis. The patient may have an obscure sepsis or a red eye which is either infected, allergically inflamed, or both. It is accepted (and commendable) scientific practice to prescribe two or more drugs in such situations until such time as the diagnosis becomes clearer. Such prescribing recognizes that one or more of such simultaneously prescribed drugs may contribute nothing to therapy and only be "going along for the ride," as it were. If a fixed-ratio combination can be successfully used in such clinical situations—an example would be topical ophthalmic ointments combining a corticosteroid and an antibiotic—it deserves to be available for prescription.

Do we really want to eliminate all fixed-ratio combinations? I think not. Rather, should we not at least examine those combinations that are approved by the "experts" and apply the same standards by which they are judged to other mixtures? I believe the characteristics of a satisfactory mixture to be quite simple: (a) the ingredients deserve to be used together in recognized definite clinical conditions on the basis of their therapeutic and toxic potential; (b) the ratio

of ingredients has been shown to work satisfactorily for a significant body of patients; (c) laboratory investigation indicates no pharmaceutical incompatibility of the ingredients.

If the above are met by a fixed-ratio combination, the public welfare should be best served by the marketing of such a mixture. Patients would benefit in terms of accuracy and convenience, nursing and pharmacy costs and time and medication error should be decreased, and the sick might even get a break in terms of drug bills.

Bad usage of a good mixture—like bad use of any drug—is a matter of physician education. If doctors' prescribing habits in regard to any drug or mixture are incorrigible, then society may decide that the drug or mixture should be removed from the market because, on balance, the harm from its use will outweigh the benefits. But let us make the decisions consciously and rationally on defensible grounds and not in uncompromising, doctrinaire fashion. Blind dogma is not any freer of error when promulgated by the FDA or academicians than when voiced by the doctor in practice.

NEW ENGLAND FUEL PROBLEMS

Mr. BROOKE. Mr. President, on May 20, Congressman SILVIO O. CONTE delivered an excellent address on New England fuel oil problems to the annual convention of the Connecticut Petroleum Association in New Haven. In his talk Mr. CONTE reviewed the past efforts of the New England delegation to secure relief from the inequitable burden of the oil import program; he also outlined our current efforts to increase the import level of No. 2 fuel oil to 100,000 barrels per day, expressed concern over Humble Oil's new round of price increases for No. 2 fuel oil, and asked for removal of the Western Hemisphere restriction on the No. 2 fuel oil import program.

Mr. CONTE has been a knowledgeable leader in the field of oil and a consistent fighter for the consumers of the State of Massachusetts and throughout the Northeast. His remarks and his proposals, which I strongly support, deserve the attention of all Members of the Congress.

Mr. President, I ask unanimous consent that the address of Congressman SILVIO O. CONTE be inserted at this point in the RECORD.

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

REMARKS BY THE HONORABLE SILVIO O. CONTE AT THE ANNUAL CONVENTION OF THE CONNECTICUT PETROLEUM ASSOCIATION IN NEW HAVEN, CONN., MAY 20, 1971

Mr. President, honored guests, members of CPA, ladies and gentlemen. It is a special pleasure for me to be with you today because, while this is my first visit to your convention, my association with the Connecticut Petroleum Association has been a long one—and over the years, I have come to regard you as one of the finest associations of independent fuel oil and gasoline jobbers in the nation. You have not only served your members well, but you have been a strong and valued ally of small businessmen and consumers across the nation.

You can be justly proud of your independence. Your record amply demonstrates that you are, in fact, *fiercely* independent, and I want to add, fearless as well, for, when other groups like yours have gone only half-way or pulled their punches, you have not hesitated to take on the major oil companies, and powerful private utility interests on behalf of independent business and the consumer.

You are one of the few state associations who have gone straight to the majors to protest unwarranted price hikes.

You alone were willing to oppose the majors' trading stamp mania. Characteristically, you took the intelligent approach by conducting the only state-wide dealer survey. And you stuck by its results, overwhelmingly condemning stamp promotions, despite an attempt by the major oil companies to discredit it.

But it is through my work on the House Small Business Committee that I have had the best chance to see first-hand just what you people can accomplish.

Two years ago, your dynamic Executive Director, Charlie Isenberg, was instrumental in lining up a number of outstanding witnesses for our hearings on gasoline games.

With your help our Committee built a record which documented the startling extent to which these games had been rigged through the preselection of winners, and the fact that the great bulk of prizes were never awarded.

Of more direct concern to you was the blatant coercion of dealers to carry the games. We found, for example, that dealers were paying more to the oil companies to carry the games than the public received in prizes. With the pressure of massive advertising, however, independent station operators had little choice but to carry the games.

At our Committee's urging, as you know, the FTC finally issued some rules to correct the worst abuses of these games, and bring them under some control.

Perhaps, the area in which CPA has been most helpful to our Committee was through its making the case against the commercial bribery—there is no better word for it—practiced by many of our utilities to promote the use of their particular form of energy for home and commercial heating purposes.

Again, Charlie Isenberg and CPA came forward with the evidence. It's no exaggeration to say that CPA produced most of the key evidence for our utility subsidy investigations. You also assisted in bringing in allied industry groups, such as plumbers, who detailed their experiences with these promotions.

I don't need to recount at length here what we discovered. In all too many instances we found that a builder was persuaded not by the projected size of the fuel bill, but by the size of the promotional subsidy. These promotions, especially when offered to customers selectively, and sometimes even "under-the-table," are perversions of any known concept of competition.

As a result of your efforts, and our Committee's, the National Association of Regulatory Utility Commissioners (NARUC) agreed at their meeting last fall to support a model regulatory code for the states. While it does not cure all the evils of such practices, it nevertheless goes a long way toward meaningful reform.

Its most important feature is its requirement that a schedule of promotional subsidies must be filed as a public record, and that these subsidies must be uniform.

As some of you may know, another key victory in the reform effort was the decision by federal district court, holding that the promotional practices of the Virginia Electric Power Company were in violation of the Sherman Antitrust Act.

Unfortunately, the case was reversed, and must now go all the way to the Supreme Court.

While we await the High Court's decision, it's difficult to determine what if any other action is called for. On behalf of the committee, let me urge you to let us know your suggestions for future action.

As you can see by this partial recital of some of CPA's activities, your record is well known and appreciated. Before getting to my topic today—the price and supply situation in fuel oil marketing—let me just make one final reference to my last contact with some of your members.

Only a week ago, I was asked to host a luncheon for the New England House delegation sponsored by the New England Fuel Institute. As you know, NEFI's new President is also CPA's own President, Donald Craft, who will now be doing double duty. It was good to see Don, as well as Charlie Isenberg, and Irv Shiner of CPA. NEFI could not have picked a better man than Don, and I know he will serve with distinction.

I was also honored recently by a letter of commendation for my efforts to improve the oil price and supply situation by the Fuel Oil Committee of National Oil Jobbers Council. CPA has long been a leader on this NOJC Committee from the time when your own Walter Macauley served as its Chairman to the present, with Irv Shiner of CPA now serving as Vice Chairman. This praise, coming as it did from such a distinguished group in the forefront of this struggle, was especially welcome.

I'm here today to talk about the present fuel oil situation and the prospects for this coming winter. With summer at hand, another winter seems far away, but, unless we take time now to plan and organize, we will not be able to bring about the necessary policy changes that will be needed in the coming months.

Let's take a look, first, at where we are today. As you know, the No. 2 fuel oil program, providing 40,000 barrels per day into District I, has been extended through 1971. This program proves that there is now official recognition of the heating oil problem at the White House. While this is a good start, it clearly is not enough.

Unfortunately, even this modest beginning is now under fire. An attempt is being made by some of the oil industry's good friends in government to eliminate it at the end of this year. They're even trying to put No. 6 residual fuel oil back under control, which all of you recognize is clear nonsense.

As I told the NEFI delegation just last week, you may be sure that I and the entire New England delegation will do our best to see that neither of these misguided efforts succeeds.

As you know, we can expect the demand for No. 2 to continue to rise. The authoritative *Oil and Gas Journal* projects a 10 to 15 percent increase over last winter's levels—and this figure is probably conservative. Utilities are burning increasing quantities of No. 2, and substantial amounts are being diverted from the home heating market to the industrial market for use in blending with higher sulfur residual fuel oil. These developments are cause for serious concern about the adequacy of No. 2 supplies, and underscore the need for action now to assure a high level of imports into the East Coast in 1971 and 1972.

While demand continues to rise, the price picture remains uncertain. It is astonishing that *at this time*, however—at the *end* of the heating season—Humble Oil, which dominates the east coast market, has had the audacity to announce a further hike of more than 10 percent in wholesale No. 2 prices. This increase, if allowed to stand, will mean

an extra sixty million dollars in consumer costs to New England. Already, Humble had raised prices in 1970, so the total increase for the past two years is more than 20 percent.

I recite these disturbing facts, because they must be faced. But it is no less important to keep them in perspective. Let there be no scare talk about the situation. While the problem is serious, I am convinced we are in a position to prevent a crisis.

Only last week, the entire New England delegation joined in a letter to the President, which I authored, which set out these facts and called for three major steps to arrest the price escalation and assure adequate supplies:

First, we called for an increase in the level of No. 2 oil imports from 40,000 to 100,000 barrels per day for 1972.

Second, we called for an end to the Western Hemisphere restriction on the No. 2 program. Unless this is lifted, Esso and Shell which dominate the Caribbean can continue their public-be-damned attitude and price-gouging, free of competitive pressures.

Third, we called for an immediate investigation by the Office of Emergency Preparedness into the recent Humble price increase, as required by law. In the light of the unhappy result of the long-delayed investigation into last fall's crude and gasoline hikes, we cannot be optimistic about this approach. But it must be tried.

As I indicated a moment ago, the Humble increase, coming at a time when demand is low and stocks are high, is one more damning piece of evidence of the need to end the isolation from competition that the oil import quota system makes possible.

Earlier this year 90 of my House colleagues joined in cosponsoring my bill to end the quotas. This is nearly double the support I had for this bill when I first introduced it in 1969.

The same 90 congressmen have also joined me in a bill to end the other key practice that frustrates competition—state production controls, or prorationing. Under this system, our major oil producing states are able to hold down production to maintain high prices. It is nothing short of a scandal that the oil barons who dominate the state regulating commissions are able to dictate what we in New England shall pay for this vital product.

While I am encouraged by growing support for these bills, it should be naive to predict their quick passage. The oil industry is Washington's most powerful, special-interest lobby, and its persuasive influence is hard to overestimate.

This is one reason why I have developed another legislative proposal which I will shortly be introducing. It would create a national defense petroleum reserve to maintain an amount of oil on standby to take care of our needs in the event of disruption of foreign supplies.

Now I have long been critical of the so-called national security justification for the quota system. It simply makes no sense to me to use up our own limited resources more rapidly as we do under quotas.

But I have never said that there is not a legitimate concern about the reliability of foreign supplies, especially those from the Middle East. This new proposal would recognize this legitimate concern. And by ensuring that we have enough reserves to protect us during an extended cut-off of foreign supplies, it would provide the best deterrent against the kind of tactics employed recently by the Persian Gulf governments to extract high prices.

There are many other related topics I would like to discuss with you today. One I want to mention just briefly is a subject our Committee began to investigate last fall: the growing concentration of ownership of energy and fuel producing companies.

The deepest penetration is being made by our major oil companies. Eleven of the 25 largest oil companies now have significant interests in coal. Continental Oil alone, by acquiring Consolidation Coal Company, now controls 20 percent of coal production capacity. Occidental, which now controls Island Creek Coal Company, has another five percent of the market. Oil Companies also control over 35 percent of the uranium market.

Such concentration in any one industry's hands raises serious questions. When the controlling group is the major oil industry, with its long record of disregard for the public interest, the situation is really alarming.

At our Committee's request, the Federal Trade Commission has just announced it will conduct an in-depth probe of this concentration. While the investigation is slated to take up to two years, I can assure you our Committee will oversee it closely, and see that it is completed as soon as possible.

Well, now I really will bring this to a close. As you can see, I can really get wound up about petroleum marketing matters. A large part of the reason for my interest and growing concern has been the information which you and other groups of dedicated independent businessmen have provided.

Thank you again for inviting me. And please don't hesitate to get in touch whenever I or our Committee can be of assistance.

Thank you.

HEALTH CARE

Mr. SAXBE. Mr. President, I have frequently said that in many respects, America's medical care system is the best in the world. I have also said that, in some respects, our system may be one of the worst in the world. That is because, like any multi-billion dollar industry, the system—no matter how streamlined and knowledgeable—is beset with problems.

Mr. President, in this week's issue of Time magazine, the subject of health care and all of its attendant problems, are scrutinized in what I thought to be an outstanding article. I would recommend it as required reading. I ask unanimous consent that the article, "Health Care: Supply, Demand and Politics," be printed in the RECORD.

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

HEALTH CARE: SUPPLY, DEMAND AND POLITICS

If gross medical resources alone guaranteed physical well-being, Americans would be the healthiest people in the world. The U.S. has more than 7,000 hospitals, many of them with the most advanced and elaborate equipment available anywhere. The nation's 330,000 doctors, one for every 650 people, are the products of the most rigorous training. In sheer dollar terms, health has become the second largest industry in the U.S., last year turning over $67.2 billion, or 6.9% of the G.N.P.

But this vast expenditure, $324 per capita annually, does not ensure a high level of care. The rate of infant mortality is lower in twelve other industrial countries. Men in 17 other countries live longer than Americans do; women live longer in ten. Distribution of services is so spotty that more than 40 million people virtually never see a physician under any circumstances, and millions of others do so only after having been struck by serious illness. Soaring costs and the scarcity of practitioners and facilities in many areas have retarded the development of preventive medicine. Nationally, the U.S. does not really have a health-care system; rather it has an inadequate system for treating disease and injury. For those who cannot afford the most comprehensive insurance or are not covered by Government programs for the old and the very poor, serious illness can mean financial ruin.

OBVIOUS AND URGENT

The problems are numerous and complex, including the training of medical personnel, the organization of hospitals and the melding of private and public facilities. But public attention has focused most sharply on the price of visiting a doctor's office or staying in a hospital. Politics is following that preoccupation. Republicans and Democrats, liberals and conservatives, and even the American Medical Association, which fought Medicare for so long, are all agreed that a new federal role is necessary to help Americans pay their bills. Making more money available to more people is only part of the solution, but it is the most obvious and urgent step both economically and politically. It will be the rare candidate in 1972 who will feel comfortable without having voted aye. Which new approach to vote for is the only subject of real debate now.

The consensus grows from arithmetic. Since 1960, the costs of health care have climbed by more than 50 percent, far outstripping even the 31 percent rise in the consumer price index. Physicians' fees alone have risen by 58 percent, while hospitalization, which averaged $35 a day ten years ago, has more than doubled in price and now stands at $75.

FIVE YEARS TO PAY

Even so routine a surgical procedure as hernia repair can end up costing $1,000 in hospital and doctor bills. Charges totaling $1,200 for a routine delivery followed by a four-day stay in a maternity ward are not uncommon. Many such expenses can of course be avoided. Some elective operations can be delayed or even put off indefinitely, though at an eventual cost in health. Other conditions can be controlled, though not cured, by drugs and medication rather than surgery. The expenses of normal childbirth are predictable, and a family has nine months to save up to meet them.

But many illnesses are unpredictable, and these can be disastrous. Construction Worker Roland Snyder, 36, a bachelor who lives with his mother in Maryland Heights, Mo., thought that his weight loss and headaches were the result merely of overwork until doctors hospitalized him and learned that he had tuberculosis spinal meningitis. The first 13 weeks of treatment cost $13,000. After another five months in a free public hospital, he was moved to a nursing home. His and his mother's insurance benefits were soon exhausted, along with their savings of $1,500. Snyder is now home once more but unable to work and he still owes one hospital $4,000. "They were very nice about it," says his mother, Mrs. Minnie Snyder, who supports herself and her invalid son on an income of $300 a month. "I am now paying them $20 a month on the $4,000."

Snyder's expenses are not unusual. John Schureman, 21, of Hollywood, developed peritonitis when his infected appendix ruptured, and then needed a second operation when the infection spread to other parts of his body. His condition, complicated by a peritoneal hernia, worsened to the point that he required three more operations, 15 pints of blood that cost $15 each, and round-the-clock care. Schureman spent nearly two months in various hospitals. His bills, which came to more than $20,000, wiped out his

$3,000 savings. They also left Schureman, who works for the American Institute of Hypnosis but carried no insurance, with a $15,000 debt that, he estimates, will take five years to pay.

INADEQUATE ARMOR

Not all Americans are so unprotected. Fully 85% of the U.S. population under 65 have some sort of health-insurance coverage, but in many cases the armor is inadequate. At least 20% have no hospitalization insurance, 32% have no coverage for in-hospital doctors' bills, half get no benefits for X-rays or laboratory tests, and 97% have no dental insurance.

Even the more generous insurance policies are limited in their benefits, which usually run out before catastrophic illnesses are cured. Leonard Kunken of Oceanside, N.Y., sought to protect himself and his family by buying the best policy offered by the insurance company for which he was a salesman. The policy allowed $40,000 in benefits, and it seemed more than ample until Kunken's son Kenneth, a Cornell University student, broke his neck during a football game and was paralyzed. The bills—over $6,000 a month—exceeded the limit in seven months.

COTTAGE INDUSTRY

Aside from ceilings, most of the policies offered by both nonprofit and commercial organizations pose other problems. Many provide no coverage for diagnostic procedures; few provide payments for out-of-hospital prescription drugs; many make no provision for private- or visiting-nurse care. In cases of long-term illness, most plans make no allowances for nursing- or convalescent-home care. Because health insurance has become a major factor in wage negotiations, many policies are tied to employment by a specific company. Firings because of recession have deprived thousands of families of their coverage. Illnesses or injuries that occur in such a period can make it difficult for the family to regain full protection later.

Some people have even found it necessary to leave the country to find medical care at prices they can afford. Dr. Martin Allwood, a Swedish-born sociologist who had spent 25 years of his life in the U.S., gave up on American medicine after a series of expensive examinations failed to diagnose his problem. Returning to the country of his birth, he spent another year having X-rays and tests before exploratory surgery disclosed an unusually inaccessible cancer. Allwood found the treatment excellent and the costs low. Private medicine is still practiced in Sweden, but the government maintains an elaborate national health system. Allwood relied on the national service, which not only accepted him for treatment but also paid him $11 a day to help make up for his lost income.

Allwood's experience points up the major difference between European and American medicine. Ever since Chancellor Otto von Bismarck initiated the first such plan for German workers in 1883, national health programs have been an important aspect of the welfare state. The Swedes have had a national health system since 1955, the Norwegians since 1956. Britain adopted its national health scheme in 1948. Indeed, among the world's major industrial nations, only the U.S. has thus far failed to devise some kind of national program that either provides or subsidizes comprehensive health care.

The omission is ironic. Throughout Europe, medicine began as a cottage industry, underwent a sort of industrial revolution as individual medical entrepreneurs were absorbed into larger, nationalized health-care systems. In the U.S., medicine started off under controls, to a degree, and evolved into a cottage industry. Colonial laws set doctors' fees and established taxes to pay doctors hired by local governments to provide health care to settlers. The earliest American hospitals were publicly operated, generally for the benefit of the poor, or for sailors whose ships called at colonial ports.

VESTED INTEREST

Few attempts were made to perpetuate or expand this system, and as the nation grew, medicine developed into the present confused complex of doctors, hospitals and ancillary services—nominally independent, yet inextricably bound up with one another. Doctors, who still remain the individual's main point of contact with medicine, need hospitals in order to treat their patients. Hospitals depend upon the doctors for the referral of patients; patients' fees make up the major portion of hospital operating costs.

Both doctors and hospitals contribute to the high costs of care. Physicians simply are not trained to consider costs, but rather to provide their patients with the best care possible. Thus they order up whatever X-rays or tests are necessary to make an accurate diagnosis, use the most up-to-date techniques and devices. The cost of these techniques, and the hospitalization that they require, are enormous. Hospitals, with their high overhead, have a vested interest in keeping their beds filled.

The salaries of hospital workers, once among the lowest in the nation, have risen by 31% since 1966, mainly as a result of minimum-wage laws and unionization, and are reflected in the rising charges hospitals make for room and board. The introduction of modern medical equipment has also pushed the cost of medical care skyward. A heart-lung machine, for example, costs $17,000, and runs a hospital another $50,000 a year in maintenance.

SPUR TO INFLATION

Even Medicare, passed in 1965 to lessen the economic impact of illness on the aged, has helped to push up the costs overall. The program provides broad medical coverage to an estimated 20 million Americans, most of whom would be otherwise unable to obtain insurance. But it has also worsened inflation by allowing overgenerous payments for the care provided, increasing the demand for services without enlarging the supply.

Nor has Medicaid, which covers an estimated 17 million of the nation's poor, improved medical economics. Many jurisdictions refuse to tax heavily enough to match the Federal Government's contributions to the program, and some, like Washington, D.C., simply ran out of money last year, leaving the poor as vulnerable as they were without the plan. Thus Medicaid, like welfare, is subject to local quirks and disparities. Ira Jay Thau, 23, a New Yorker whose existence depends upon regular kidney dialysis, cannot take a job without losing the Medicaid benefits that pay for his treatment. Says he: "If I try to be a useful member of society by getting a job, then I lose the only thing that keeps me alive."

Eight health-care bills have already been submitted to Congress; others may also be thrown into the hopper as debate continues through the summer. The bills cover a broad spectrum of approaches and benefits. The A.M.A.'s "Medicredit" plan a bill sponsored by the health-insurance industry seek to expand insurance protection by allowing tax benefits for premium payments. Senator Jacob Javits' proposal would gradually expand Medicare to cover the entire population. The American Hospital Association's "Ameri-plan," which has not yet been introduced in Congress, aims to create with federal assistance some 400 "health-care corporations" across the country. Each would be responsible for bringing together the personnel and facilities to meet health needs in its area, providing such services on a prepayment basis to those who could afford to pay and making them available without charge to those who could not.

The major contest, however, is between just two pieces of legislation—the National Health Insurance Standards bill offered by the Administration and the Health Security bill sponsored by Senator Edward Kennedy and Representative Martha Griffiths. The two proposals differ considerably:

The President's package features mandated coverage through the existing insurance industry. It would require all employers to provide their employees with a tax-deductible insurance plan that would include hospitalization, major-medical and catastrophic-illness coverage with a maximum benefit of $50,000. A separate program would be set up for the self-employed, while the Government would finance the entire cost of health insurance for families with incomes below $3,000 a year and pay partial premiums for those earning up to $5,000. The poor would receive less generous payments than others in case of catastrophic illness, but Medicare recipients would get a break. The Government would pick up the entire $1.4 billion bill for the Plan-B supplement, which currently covers doctors' bills.

To encourage efficiency, the Nixon bill would set aside a fund of $23 million for grants to groups of doctors willing to establish pre-paid health-maintenance organizations (HMOs) like the Kaiser-Permanente Health Plan, which operates in California, Oregon, Hawaii, Colorado and Ohio. Another $100 million would be allocated to help medical schools train more doctors. Total cost: $3 billion a year in new federal funds, $2 billion in lost tax revenues, about $6 billion from business and industry. The insurance companies, however, might not regard the bill as a bonanza. Though the industry's overall profits are high, few companies make more than 2% profit on health coverage.

The Kennedy-Griffiths Plan would create a comprehensive national health-insurance system. Based on a proposal originally drafted by the late Walter Reuther, this bill would have the Government pay at least 50%, and in some categories 70%, of the cost of nearly all health services, including dental care for children under 15, prescription drugs and psychiatric treatment. Essentially a broadening of the Social Security system, the Kennedy-Griffiths bill would be financed by a 3.5% payroll tax on employers, a 1% tax on employees and general federal revenues as required. The bill would seek to promote efficiency by allocating $600 million to encourage the formation of group practices. It would promote cost control by requiring health-care institutions in a given locality to negotiate and provide primary care within an annual budget and by putting doctors on a salary or paying them a fixed fee per patient.

The Kennedy-Griffiths bill would not, however, reduce the country's total outlay for health, which now comes to nearly $8 billion. On the contrary, Administration spokesmen claim that Kennedy-Griffiths would cost $77 billion. Those who now pay for private health insurance would still pay the same amount for coverage—except to the Government. Nor are the bill's provisions for promoting efficiency likely to keep costs from climbing. Both Medicare and Medicaid have cost the Government far more than originally anticipated. There is no reason to believe that the Kennedy-Griffiths plan, the administration of which would require a bureau-

cracy of gargantuan proportions, would not similarly exceed initial cost estimates.

The bill could create other problems as well. Its emphasis on hospitals as the principal purveyors of primary care could, many fear, force the patient to accept treatment from any doctor who happened to be available. This, opponents feel, would deny them the right to choose their own doctors. It would alter still further the physician-patient relationship, a personal tie that has already been strained by a number of factors, including growing specialization.

NO MARKETPLACE

The Administration bill would protect the patient's freedom to choose his own physician. But it is no more likely than Kennedy-Griffiths to curb the rising costs of care. Merely enabling more people to pay for health care will only increase the demand for services, not the supply, thus contributing to the medical inflation that makes action necessary in the first place. Moreover, as John Krizay of the 20th Century Fund points out, the determination of doctors' fees is simply "not in the marketplace." Doctors, he notes, can and do create their own demand for their services. One way around that fact is to abandon the fee-for-service method of payment entirely and put doctors on salary; one way to accomplish that is to put health care on a prepayment basis.

Most doctors are adamantly opposed to prepayment. Many patients tend to feel otherwise. The 2,000,000 members of the Kaiser plan pay a fixed annual fee for a broad range of medical and preventive health services, all of which are provided by salaried doctors. The plan, which runs its own hospitals and clinics, keeps its costs down by early screening to diagnose diseases before they become serious, thus reducing the amount of time its members spend in expensive hospital beds. Similar prepayment plans have also proved successful in New York, Massachusetts and Michigan. But the Administration bill, which offers financial incentives for the formation of such prepayment plans, is unlikely to encourage their creation as long as doctors have the opportunity to earn more under a fee-for-service system.

Neither of the bills is likely to increase the availability of medical services—at least not in the near future. Even if the nation's medical schools were suddenly to produce the 50,000 additional doctors the U.S. is said to need, there is no guarantee that these physicians would practice where service is scarce.

Kennedy feels that only a complete restructing of the health setup will provide Americans with the care they need and argues that only his bill will provide it. "The system," he says, "shows no signs of being able to respond to the crisis or to take even the most rudimentary steps to solve the problem."

Many of those in the system agree. The Student American Medical Association, which speaks for 18,000 medical students, supports the Democratic bill, and many younger physicians have also given the measure their support. So has Dr. Count Gibson of Stanford University School of Medicine, who believes that the bill reflects a new philosophy of social service. "Medicine is moving from the entrepreneurial mode to the community institution," Gibson says. "You can compare it with education. In 1789, this was a private enterprise, but now nobody questions the responsibility of communities to provide public education. Now we're beginning to see health care as a right."

SHORING THE WALLS

Even the A.M.A. now recognizes health care as a right. But it is still unwilling to go along with Kennedy-Griffiths. Dr. Max Parrott, chairman of the A.M.A.'s board of trustees, describes Kennedy's bill as "rigid" and "monolithic." Parrott and many of his colleagues defend the existing system and seek to eliminate what they see as its most egregious inequity with their tax-credit bill. "Some people are denied health care because of their inability to pay for it," says Dr. Richard S. Wilbur, A.M.A. deputy vice president. "Medi-credit will take care of that problem."

So will the Administration bill. Though Richard Nixon has described the state of medical care as a "massive crisis," the Administration does not favor radical overhaul. "There is much that is worthwhile in the existing system," says Health, Education and Welfare Secretary Elliot Richardson, who drafted the Administration bill. But, he adds, "National health insurance can be built on the solid foundation that exists by expanding the present dimensions and shoring up the walls."

PHILOSOPHIC ASSET

Kennedy, who already has the backing of the A.F.L.–C.I.O. and 25 liberal Senators, has been holding hearings around the country in an attempt to drum up broad public support for his plan. He stresses that only his bill would give the Government the leverage it needs to reform the entire health-care system. The Administration stresses the need for a more gradual approach and is courting the congressional center, which is already more attuned to the free-enterprise outlook of the Administration bill than to Kennedy's tack. "We have philosophy going for us," says White House Aide Clark McGregor, "plus the certainty of much higher taxes with the Kennedy bill." The A.M.A. will probably come around to supporting some variation of the Nixon proposal.

In fact, neither the Kennedy-Griffiths bill nor the Administration plan is likely to win the support it needs for passage. Some compromise between the two seems inevitable, and the man most likely to effect it is Wilbur Mills, chairman of the House Ways and Means Committee. Mills, recognized as the most powerful man in the House, has committed himself to the idea of national health insurance. He agrees that Social Security, through which the Kennedy program would be financed, has been one of the most successful programs ever adopted. Yet Mills is reluctant to endorse the Kennedy bill. He believes that payroll taxes, on which the Kennedy bill relies for financing, may be getting "out of hand," and he questions the necessity of a complete Government takeover of health insurance. "It would be more practical to get the private sector to bear some of the cost burden; we can't afford to eliminate the people and organizations engaged in it. We'd be shorthanded."

Though White House aides claim that he has done so in private, Mills has yet to endorse the Administration's bill publicly. Probably he will not. What seems likely is that Mills will piece together his own "Mills bill," combining the best features of both the Administration and the Kennedy plans into a measure for which he feels the public and Congress are willing to pay.

The precise ingredients of the package that will win House approval probably will not be visible until midsummer. But it is already clear that the emphasis will be on improving the means of supporting the present system, mitigating the burden that medical inflation places on individuals. The importance of that accomplishment cannot be minimized merely because it is a partial solution.

BORDERLINE

Though socialization of medicine on the Swedish or British model seems to be impossible in so large and diverse a society as America's—at least for the foreseeable future—the Government will eventually have to face more decisions on the borderline of socialized health care. Means will have to be found to supply personnel and facilities in areas that are now medical deserts. More emphasis will have to be put on diagnostic procedures and other methods of preventive medicine, both to improve the quality of care and hold down costs. Hospitals will have to receive more incentives to operate efficiently. Ultimately some kind of ceiling, voluntary or imposed, may have to be worked out for fees. The duration and cost of medical education need thorough review.

None of these issues can be coped with easily. The doctor-patient relationship is a highly sensitive one, and both organized medicine and a public interested in personal service are strong barriers to major change. Many people would be unhappy about yet another Government bureaucracy, particularly in a field that affects people so personally. But there is ample precedent for further public intervention short of socialization. The U.S. has long accepted the principle that the public interest, represented by regulatory agencies, should determine the services provided and prices charged by railroads, telephone companies, airlines, power companies and other essential enterprises. The average citizen spends more for medical care than for any of these, and often needs health care more urgently.

PAKISTANI REFUGEES IN INDIA

Mr. KENNEDY. Mr. President, the number of East Pakistan refugees in India is now over 4,000,000—and the influx continues upward to 100,000 per day. Some 3,000,000 of these refugees are concentrated in the area of Calcutta in the State of West Bengal. The rest are found in other Indian areas bordering East Pakistan, with most of them in the State of Tripura—whose normal population of some 1,500,000 has been increased by at least one-third.

Some of the refugees are being welcomed into the homes of relatives. But the bulk of them are found in makeshift camps near the border, in public buildings such as schools, or in open fields. Reports indicate that some 70 percent of the refugees are women and small children. Conditions among the refugees are grim. Their need for food, shelter, clothing, and medical care is great. And the prospect of their repatriation is not in sight.

The estimated cost of caring for these refugees varies with the source and the standards used.

The Indian Government puts the cost of feeding 4,000,000 refugees for 3 months at some $40,000,000 to $45,000,000—or some $78,000,00 to $92,000,000 for 6 months. This estimate is based on a daily diet of over 2,000 calories per refugee.

The World Food Program puts the cost at some $32,000,000 to $36,000,000 for 3 months—or $65,000,000 to $72,000,000 for 6 months. This estimate is based on a daily diet of over 1,600 calories per refugee.

Our own Government, using a daily diet of 1,600 calories per refugee, is estimating it will cost some $30 million to feed 4 million refugees for 3 months—and some $60 million for 6 months. The State Department informs me that our own

Government is prepared to carry up to 50 percent of this estimated cost. To date, however, only $2.5 million has been allocated. In this connection, U.S. voluntary agencies—including CARE, Catholic Relief Services, and Church World Services/Lutheran World Federation—are currently feeding some 280,500 refugees under aid authorization. Subject to the availability of food, however, these agencies have a capacity to feed some 1.5 million persons.

On April 23, the Government of India appealed to the United Nations for international humanitarian assistance. Today, nearly 6 weeks later, international relief operations are not underway—and, regrettably, in response to inquiries neither the United Nations nor our own Government is willing to say when these operations will begin. Meanwhile, the Indian Government is doing what it can to meet the humanitarian needs of the refugees with the limited resources available and with the help of the private voluntary agencies.

Mr. President, it is clearer every day that a massive human tragedy is developing, as a result of unrest and conflict in East Pakistan. How much longer will the world stand idle while the region plunges toward the brink of disaster? How much longer will the United Nations study the problem, when humanitarian needs are so clearly evident?

How much longer will our Government point with satisfaction to the meager efforts it is making and to an international relief program that so far remains on paper? How much longer will we temporize in responding to India's appeals for relief supplies, such as tents, and for logistical support, such as C–130's and helicopters—when massive stocks are available from U.S. sources throughout Southeast Asia?

And how much longer will the Government of Pakistan claim that conditions are "normal" in East Pakistan, when each day sees tens of thousands of its citizens fleeing across the border into India?

The alarming situation, Mr. President, has prompted me to write Secretary of State Rogers, to urge again that our Government view the plight of the people in East Pakistan and the refugees in India with deep compassion—and that, with a strong sense of urgency, we join with others in responding immediately to the requirements of peace and relief throughout the entire area. I ask unanimous consent that the text of this letter, dated May 27, be made a part of my remarks at this point in the RECORD.

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

MAY 27, 1971.

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

DEAR MR. SECRETARY: Congressional and public concern continues over the situation in East Pakistan and the heavy flow of refugees into India. As you know, I share this concern, and since the early days of the tragedy I have strongly advocated and supported efforts by our government and others to ameliorate political tensions in the area and to initiate emergency relief operations under international auspices, preferably the United Nations.

The record indicates that little substantive progress has been made. The situation continues to deteriorate. Nearly all reports, including those to our government, tell of growing human need, sporadic military conflict, lack of government services, and deepening divisions between the central government and the people of East Pakistan. Political tensions between the governments of India and Pakistan escalate daily, and threatens the peace and stability of the area, and Great Power confrontation. The flow of refugees into India reportedly continues at a rate approaching 100,000 persons a day. The cumulative total already exceeds 3,500,000. India's appeal on April 23 for international humanitarian assistance has received only a token response, as individual governments and the United Nations stand immobilized in the face of great tragedy.

Steps are urgently needed on at least four fronts.

First, stronger efforts must be made by individual governments and the United Nations to encourage and facilitate political accommodations between the central Pakistan government and political forces within East Pakistan, so as to stop the flow of refugees into India and facilitate the return of those who have already fled the civil conflict.

Secondly, our government must place higher priority on urgently needed emergency relief operations within East Pakistan, as a condition for any normalization of general American economic assistance to the central government. In this connection, our government should immediately respond to Pakistan's stated need for food and medical supplies and water transport for the distribution of relief commodities by Pakistani authorities and international personnel.

Thirdly, immediate initiatives by our government and others must be taken through appropriate diplomatic channels to ameliorate the escalating tensions between Pakistan and India—tensions which threaten the peace and stability of the region and needless Great Power confrontation in South Asia.

And fourthly, our government must not stand idle because of the United Nations continuing immobilization in responding substantially to India's appeal for international assistance on April 23d. As of today, no United Naations relief operation is being implemented in India. Until this is done, our government should respond to India's appeal on a bilateral basis. India has stated its requirements to meet human need, and our allocation of funds to an immobilized international organization only aggrevates the immediate crisis of people confronting the Indian government.

I am extremely hopeful that our government will view the plight of the people in East Pakistan and the refugees in India with deep compassion, and, with a strong sense of urgency, will join with others in responding immediately to the requirements of peace and relief throughout the entire area.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees.

COURT DECISIONS IN SCHOOL DESEGREGATION CASES

Mr. TOWER. Mr. President, it is indeed unfortunate that the Justice Department, in conjunction with the Department of Health, Education and Welfare, felt compelled recently to recommend to the district court in Austin an approach that could lead to such a displacement of so many school children. However, decisions which have caused the Departments to come forward with such plans are even more unfortunate. The Supreme Court in the Swann case and the fifth circuit court of Appeals in numerous decisions have required pairing, zoning, clustering and massive busing in search of the illusive goals of "racial balance" and the "disestablishment" of the dual school system. I fear that such requirements will instead achieve "bizarre" results, to use the Court's own language, which will be detrimental to education.

If the Austin plan is indicative of the future, the courts' requirements in school desegregation cases have clearly now gone too far. To require massive busing and the displacement of tens of thousands of children for a goal of little or no educational value in our school systems is neither wise nor just. The courts piously contend that they are not school boards and that they should not make educational decisions. They no sooner make such a statement than they substitute their judgment for that of the board. Busing children away from their homes long distances cannot improve their educational opportunities. Educators have acknowledged this for a long time.

In most cases involving sociological issues, the courts of this land have taken judicial notice of the effects their rulings would have on society as a whole. This is the history of the "Brandeis Brief." The sole exception in recent history has been the desegregation cases. In these, the courts have generally ignored the effects their decisions have had on the ability of the schools to fulfill their role in our society as educational institutions. They do not seem to understand that the function of schools is education, not social experimentation.

Instead, the courts are hiding behind the antiquated doctrine that schools which were segregated by law—de jure—are educationally unsound, while those that are segregated for other reasons—de facto—are ignored. The time for the school districts in the South to be treated one way and the school districts elsewhere to be treated another has long passed.

I call upon the courts to reflect upon the situation of the moment. All across the Southern United States the public school system is in peril. There is no one calling for school segregation; all rational men agree that we cannot tolerate policies which arbitrarily separate Americans from Americans. However, the courts should be extremely careful in trying to fashion solutions to the problems of school desegregation. It seems that too often today, not enough information is considered as to what will happen to the children of all races under rigid, unrealistic guidelines. The public schools are in danger of becoming entangled in

the bureaucratic straightjacket that the courts force them into.

It is up to the courts to recognize that their decisions are having a profound effect upon not only the availability of equality of educational opportunities, but also upon the actual level of education provided for all students. It is therefore incumbent upon the courts to recognize the need for rational, educationally sound principles and to allow the school districts currently under their jurisdiction the power to discharge their responsibilities in providing not only an education for all, but a quality education for all.

To do anything less will bring upon them a self-inflicted national disgrace. I urge the courts to consider alternatives that will not compound the mistakes of the past and open the possibilities of even graver mistakes in the future.

TRIBUTE TO THE NURSING PROFESSION

Mr. CURTIS. Mr. President, all of us owe a debt of gratitude to the nursing profession. We are grateful for the well-trained, capable, and dedicated people who serve so unselfishly.

Several weeks ago the following article was carried in one of Nebraska's newspapers:

Nebraska's nursing school graduates who took the national state board test pool licensing examination received the highest scores in the nation, the State Nursing Board announced Wednesday.

The board said Nebraska candidates ranked first in all five testing areas.

The testing period was from June 1969 to May 1970.

Mr. President, these nursing school graduates have brought great honor to the State of Nebraska by placing the State in another No. 1 position. I wish to extend to them and to all those individuals associated with their program my congratulations and my expression of appreciation for this job so well done.

SENATOR BENTSEN DELIVERS COMMENCEMENT ADDRESS AT KINKAID SCHOOL, HOUSTON, TEX.

Mr. BYRD of West Virginia. Mr. President our able and distinguished Texas colleague, Senator LLOYD BENTSEN, recently delivered a commencement address at Kinkaid School in Houston that contains a very thoughtful approach to some of the major concerns of today's youth. His urging of the young people to join in the processes of government, to participate, and to engage in activity that will affect the Government is sound advice for the concerned generation.

I commend the remarks of Senator BENTSEN to Senators. I ask unanimous consent to insert the text of his address into the RECORD.

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

COMMENCEMENT ADDRESS—KINKAID SCHOOL, HOUSTON, TEX.

My fellow students, for I remain a student—one who finds that the opportunities for learning have multiplied since I was your age and in your scholastic circumstances.

I am especially pleased to be here, to speak to a group such as this, a very privileged group. You are privileged, you know, and I say this not in reference to material things. You are especially privileged to have been offered an outstanding preparatory school education, an opportunity not afforded every citizen of your age, even in these United States, and most certainly not to most youngsters of other nations.

You are privileged in that the vast majority of you will move onto the path of higher education, to greater learning. That is an opportunity not afforded to millions of citizens of many other nations in this world.

Most of all, you are privileged to be citizens of the United States at this time in history. You are privileged to begin participation in the institutions that are going to be guiding and affecting your life. I want to speak to you briefly about that privilege, about participation.

I have some grave reservations about the ritual of the commencement address. There are certain conventions that the men and women of experience of the "real world" are expected to employ in addressing graduating classes, in letting them in on some of the secrets of how to get along in life.

These are generally couched in ringing phrases in which the words, "Truth, Honor, Loyalty, Industry, Ambition and Knowledge" are particularly involved.

The speaker is obligated to compliment you on your reaching this station in life. And he must charge you with certain responsibilities. I do believe these things and these eternal truths lose neither their shape nor character. But, tonight I am going to skip some of those conventional approaches.

I really have no eternal verities to share with you, nor do I want to tell you what life is like from the viewpoint of one who has been there. I realize that my generation has no monopoly on wisdom; your generation has made that pretty clear to us. But neither do you and your generation have any such monopoly.

So, from that understanding, I would like to talk to you about some other things that I think are important, and which I hope you won't find uninteresting. Because I don't—I find them compelling.

You undoubtedly hear a dozen times or more every week, in one form or another, from some source or other, about the government's influence on your life. Government is not like 50, or even 25 years ago, you're told. And it's true—I can testify about the 25; there have been changes. Problems were fewer and less complex then. A great many of the problems while significant, were not known by the masses. Communication was more limited.

Then, the demands of government were less and the solutions came easier and quicker.

Today, things are much more complex. The mountains are higher, the responsibilities more demanding.

Today, government, at some level, has its hands on all of us from the moment we are born until the last rites.

Its influence is tremendous, so much so that the individual often feels isolated from government, and yet compelled by its presence to deal with it.

The action of government leaves in its wake contradicting opinions and divided sentiments. Its influence bears not only your feelings and thoughts and attitude, but your life, your future.

What I am saying to you is that you no longer have the option of remaining aloof from politics and government—whatever you may think of them. Even the dropouts can't escape government. To reject participation on the basis that "politics is a dirty business and degrading in some way" is to leave control to those who don't mind the dirt or the degradation.

It behooves you, then, to take an active interest in that institution which will play such a role in your life. You must if you hope to influence the factor which intrudes so dominantly into your life.

This form of government of ours is not immoral. It is a fragile and living thing. It requires the nourishment of your ideas, your participation.

Benjamin Franklin, as he walked from the meeting where our Constitution was adopted, was asked by a woman in the crowd awaiting the outcome: "What have you given us, sir?" and Franklin replied: "A Republic, madam, if you can keep it!"

Ben was farsighted, and astute. He knew it's the citizens who allow a government to continue, to live, or to die in our form of Republic. "A Republic, if you can keep it," he said. And that is true today. The people—that's you—must take an interest in our political processes if we are to keep this Republic.

It is so easy to slough off the QUOTE mess in the world today END QUOTE by saying it was inherited, that it's not your fault.

Some of you will charge my generation with failure, that we're leaving you a worldly mess. You will say we gave you a Vietnam War, we gave you racism, we gave you pollution, we gave you strife, and we gave you a nuclear-threatened world.

It is true that Vietnam has been pervasive in many national decisions, and it is a nasty, unwanted war. But it isn't the only consideration in life, and it *is* being brought to a close.

I would remind you that when I left high school there was a World War in the making, and it was not a confined conflict. Literally millions of lives were lost, not just thousands. Less than half the men in my high school graduating class survived World War II.

It is true that we have not totally resolved the race problem. But we have made great strides, progress believed unimaginable the few short years ago when I was your age.

The progress of the past decade, the period known as the turbulent sixties, has been remarkable.

I was standing with a group in Austin just this last week, and among them were a Supreme Court Justice who is black, a United States Senator who is black, and former Cabinet Secretary who is black, and the former second ranking officer of the Democratic National Committee. A Mexican-American from Texas serves on the Transportation Safety Board as a presidential appointee, another served as the presidentially appointed Chief of the Small Business Administration.

And there are several blacks in Congress, many moving into responsible executive positions in both government and private business.

That's 1971. Five years ago, few of these minority members were in those positions. Ten years ago, not one of a minority race held responsible, policy-making positions.

No otner multi-racial nation in the entire course of history has attempted to provide equality, equal rights and equal treatment as diligently and as successfull as the United States of America.

We still have problems, serious problems. But the profound change and sharply measured progress of recent years is heartening. And, it should be pointed out, that progress was responsible for some of the other problems, for such dramatic change in such short time often causes upheaval and disturbances. That the government of the people is on the side of that change, that equality in the Law

means that for the first time in history, there is a chance that it will work on a national scale.

It is true that we have not been diligent about our environment. We have fouled our air, our water, and our earth. But we are acting—it is widely recognized as a paramount problem, and things are happening, the people are interested.

My generation may not have solved all the problems, but we did attack them, and we did make some headway. I mentioned earlier the progress in civil rights. And despite all its shortcomings, our higher educational system has been opened wider to the poor, the minorities.

Materialistic things are no longer the principal yardstick of many of your generation, but to those of my generation who witnessed a debilitating depression, the prosperous decade of the 1960s was a manifestation of the capitalistic system's ability to produce and distribute. Never in recorded history have so many had so much. Again, we did not solve all the problems, but there were fewer poor, and a broadening of the middle class in this country.

Medical care for the aged, under Medicare, may sound to you like a stuffy old government program, but talk to the grandfathers of your generation, those old people whose lives have been made more livable, and you find that it is progress, real progress. Medicaid may sound the same, but talk to the thousands of poor and indigent who have seen doctors regularly for the first time in their life, and they call it progress.

Again, it is true that there is more, much more to do. And we are working, and we will provide a broader system of medical care.

My generation may not have solved all the problems, but we did recognize the problems, and attacked them with greater concern, than did our fathers.

The world is still plagued by hunger and misery and death. We know much more of these because of instant communication, rapid travel. We have not, nor can we, make it perfect to pass on to you either, but we have not let it become more imperfect. It *is* better than we found it.

Each generation has its role in building a better world, an improved society. I would hope that you, in your growing role, become not blameplacers, but policy makers—positive policy makers. I hope that the path you choose is marked by compassion and patience and understanding, bolstered by conscience.

Start with what has been given you. Above all, accept the freedom and integrity of man which we are passing to you. It is not a matured tree we give you, but it is a strong sapling.

There is a great deal being said today about the cynicism of youth, about your rejection of so many of values. There is that cynicism, and it has become a part of the culture of the young. Even so, amidst all that influence, it is my firm belief that in general, youth tends to underestimate itself.

Look at this nation's history. The average age of the men who signed the Declaration of Independence was 44½ years—which may sound ancient at 18 and 19, but it's not, and certainly those men didn't fit the term "elder statesmen" which we tend to associate with our founding fathers. Henry Clay was a member of Congress at 25.

There were many of our past leaders who were under 40—William Jennings Bryan, Alexander Hamilton, Thomas Jefferson, Andrew Jackson, Theodore Roosevelt, and so on.

Then there were other young men in other fields—literature, music, commerce—Alexander Graham Bell, Lord Byron, Thomas Edison, John Keats, Mozart, Shelly, Schubert, Napoleon, McArthur, Alexander, LaFayette.

And who can deny the immense influence four young men in their early 20's—the Beatles—have had on the direction of serious music in our time.

All these men were recognized for their abilities in their twenties and thirties. Life begins at 40? Rubbish. You are not going to stand still until you reach 40. You have a job to do.

When he was 30, Robert Hutchins was named President of the University of Chicago. David Lilienthal was 34 when he became Director of the Tennessee Valley Authority. Lloyd Bentsen was a Congressman at 27.

So it is not the years in your life that are the important thing, but the life in your years. Do you read the comic strip Peanuts? I do. I like the one where Charley Brown gazes solemnly into the future and opines: "Nothing weighs so heavy as a great potential."

Sitting here before me is that great potential. You do not have to be 60, or 50, or 40, or even 30 to make your influence felt in this government which is so pervasive in our lives. If you doubt that giving the vote to the 18-year old isn't going to have a profound effect on politicians and politics, and government, then you better have another look at the future. Let me say to you that some politicos are looking at their hole card—they know you do have the strongest weapon of influence in your possession—the vote. How well you use the tool is your decision, but the point is: you, now, today have possession of that tool.

Granted, today it may seem easier to be a pessimist than an optimist. You may ask—I am only one—what can I do? Black pessimism and despair are high fashion. Self condemnation is rampant among many.

That cynicism and defamation may be self-gratifying, but those attitudes seldom get constructive results. The game today is getting results, at whatever age; the idea is to cause things to happen, to join the action.

Criticize—that's needed. Criticize in a constructive manner. Take a positive, constructive interest in your government that influences your life.

You need to be forewarned, those of you who take a deep interest and join in public service—and I advise it. If you do, you can expect to find yourself, your family and your friends at the large end of Mount Wilson's telescope and a galaxy of eyes at the small end, bearing a thousand charges leveled and frequently with little thought given to substantuating evidence.

We in America have come to expect those in public life to bear a little of the cross, and we all suffer the sins of the few who are no credit to political life, those few who do take advantage of their position. But it is a privilege and an honor to serve these United States, and it is in that service that one can wield the great influence.

If I may be permitted a personal reference here, I am in Washington today because that is the place where I can have the greatest say about the direction of the country. I suppose I had what is generally referred to as the "good life"—the comforts of adequate income and participation in civic and social events in Texas before I decided to run for the Senate. I had previously served in Congress, in the House—years before—so public service was not alien to me. However, it is with conviction that if I am to make the maximum contribution today, in these times, it is in the Senate. And let me assure you that there is one Senator who is part of that government we're talking about—Lloyd Bentsen—who strongly desires to hear from you, the young, and to know of your concerns, your opinions, your ideas.

I make the personal reference to emphasize a point—that with the personal criticism one will receive, if you are to get involved, really involved, you better be prepared to take the heat. What was it Harry Truman said: "If you can't stand the heat, get out of the kitchen." On the other hand, it's the kitchen where the broth is being prepared, where the cooks congregate. The rough and tumble of politics, the system which encourages critics to speak out, the society which forces its leaders to listen are the ingredients which keep this government viable and responsive. So I'm not complaining. I like it in the kitchen.

I make the reference also to say to you that I will make mistakes, and I deserve the critics barbs for those. There is no public official, from George Washington through Richard Nixon, who has not made mistakes.

So let us not just criticize the policies of government without offering a constructive alternative, or at least contributing to the solution rather than adding to the problem.

The great majority of elected officials in general, mirror the electorate, the people who vote them into office.

The problem, of course, is that too few people participate in that selection. Did you know that more people who were eligible failed to vote in the last Presidential election than voted for Mr. Nixon or Mr. Humphrey? Just over 60 percent of those eligible voted, which makes one wonder sometimes just how much we really appreciate our Democratic heritage. Participation—without it, our system won't work, our government cannot be truly functional and responsive.

An equally enlightened attitude is necessary toward our educational system. Most of you here will go on to higher education, and you are to be commended for pursuing greater knowledge. The need is for better, not just more, education to cope with the complexities of our times. You face an intensity of education unheard of in my college days, except for the recognized "brains" of my time who really dug in to ferret out a better education.

Because of the need for this intense education, the old attitude toward the educational system leaves something to be desired. Not too many years ago, a college degree was looked upon as a ticket to a better job. Education remains an economic plus, but it is something more, and its role in contributing to more than just material gains is growing.

There's great demand for change, and there are challenges to established university authority. There have been riots, and worse, at colleges and universities. So often a small, militant group has disrupted education for the majority, and this should not be allowed to happen. However, there are many valid grievances in the educational system that must be addressed, because too frequently the vast number of students feel they are little more than ciphers or numbers with little emphasis on the individual.

What concerns me is not the militant few, but the attitude of the majority in many of these instances. Academic freedom must not be the shield behind which anarchy flourishes, and certainly we cannot tolerate the militants to set the course for the majority. Again, here is the best argument for participation, for becoming active. The rule of majority is prevalent only when the majority participates.

We are witnessing change, and we should encourage change for the better. Even so, institutions, philosophies and ideas are neither good nor bad simply because they are not new. Neither are new ideas to be rejected because they have not been tried. Your education, indeed the education of your generation, is going to require much fuller intellectual development in these times when individual identity becomes harder to find. I

agree with those who think we put too much emphasis on grades, rather than full development. Grades have come to mean the payoff in education, and soon after we get out we find out how misleading is this belief.

You here are fortunate to have attended a school which affords those qualities of education that so many schools lack. Use of the intellect you possess has been emphasized in this school, so you're ahead of many of your contemporaries. What you do with that head start will depend to a great extent on your attitude toward the institution where you continue to pursue learning.

Wisdom, said John F. Kennedy, requires the long view. The impatience of youth, the immediate condemnation of all that is old, the trend to discard something simply because it doesn't fit in the current culture can be a dangerous thing unless it is accompanied by understanding.

I mentioned earlier the cynicism of youth. Kingman Brewster, president of Yale University who has maintained a dialogue with his students, contends that the tendencies of skepticism and idealism are stronger, more passionate and more dangerous among your generation than among mine when we were your age.

If pushed too far and too fast, these tendencies can be destructive. This deep well of idealism and skepticism is both a great hope, and great threat. Hope because of your demands to right the wrongs, and do it now. A threat because it is too volatile, and terribly impatient. Too often the prevailing attitude demands instant solutions, and its passion makes it susceptible to being taken in by rhetoric and slogans, or attracted by panaceas.

Brewster described it by stating that it can be taken in by end without means and words without meaning.

Brewster tempered his indictment with an expression of confidence of the willingness of the educated young to face reality. They have a more apparent honesty, he contends, and this will see them through.

It is foolish to claim that the world will be won tomorrow, or the day after, for the flow of history is too uncertain to expect complete results. I know your frustrations, and they are not bad if they are channeled constructively. There are bound to be setbacks and times of agony and gloom. Things will not change as rapidly as you hope.

You may know the story of the great French Marshall Lyautey, who asked his gardener to plant a tree. The gardener objected, saying that the tree was too slow-growing, that it would take 100 years to reach maturity. The Marshall was insistent: "In that case, there is no time to lose—plant it this afternoon."

The world of no woes, no wars, and full brotherhood is some years distant. But we have no time to lose. Let us plant our trees this afternoon.

THE PRESIDENT'S PROPOSAL TO REORGANIZE THE CABINET

Mr. DOMINICK. Mr. President, soon after President Nixon's state of the Union message this January, the Denver Post contained an article commenting on the viability of the President's proposal to reorganize the Cabinet. The article describes the strengthening of Denver as the governmental headquarters of region 8 by the recent transfer there of regional offices for HUD, Labor, and OEO. The transfers should be particularly interesting to students of governmental reorganization because they effectuated the creation of the Mountain Plains Regional Council. The Council, which is one of the 10 located throughout the United States, represents a practical application of what President Nixon is trying to accomplish. It allows the Denver regional offices of Labor, HEW, HUD, Transportation, and OEO to consolidate thoughts, efforts, and resources on one particular problem.

The Council Chairman, William T. Van Orman, reports that already the Council has started several projects to cut out duplication of effort and red-tape.

I ask unanimous consent that the January 24 article by the Denver Post staff writer, Steve Wynkoop, be printed in the RECORD at this point. I recommend the article to all my colleagues, particularly those on the Government Operations Committee, presently considering reorganization proposals.

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

CABINET PLAN MAY AID DENVER

(By Steve Wynkoop)

President Nixon's State of the Union Message proposal to streamline the Cabinet may make Denver even more important as a regional government headquarters, a federal official believes.

Already, Denver has gained three new regional headquarters in an April 29 move to house Region 8 human resources administrations at the Denver Federal Building.

Prior to that time, only the Health, Education and Welfare and the Transportation Departments were centered in Denver.

The shift, which brought the Housing and Urban Development Department to Denver from Kansas City, Mo., along with the Office of Economic Opportunity and the Labor Department, also created a Mountain Plains Federal Regional Council designed to cut government red tape and foster inter-governmental cooperation.

In his Friday night speech, the President proposed cutting the number of Cabinet-level departments from 12 to 8.

The State, Treasury, Defense and Justice departments would remain, he said, with the others to be consolidated into human resources, community development, natural resources and economic development.

Saturday, William T. Van Orman, regional administrator for HEW and regional council chairman, said he foresees an expanded future role for Denver as a regional base for federal government.

Currently, four departments and OEO share contiguous boundaries in a six-state federal region.

Van Orman said the newly created Environmental Protection Agency and the Office of Emergency Planning are to join Region 8 and locate their headquarters in Denver.

He said Nixon's original move to realign federal regions "took a lot of political courage because such a move had been blocked for 30 years."

"I don't see where there will be any reduction of the federal work force," he said of the potential Cabinet shuffle. "I see where they (the departments) will be realigned so they can become more effective."

He said Nixon's earlier decisions to change governmental boundaries were the first steps "in what I think is part of a long-range plan on the part of the President to make government more responsive and implement his program of 'New Federalism.' "

Represented on the regional council, besides Van Orman, are Robert Rosenheim, regional administrator of HUD; Todd Potter, Labor Department regional administrator, Sam Martinez, OEO regional administrator, and Charles Beach, Transportation's regional administrator for the Federal Highway Administration.

The council has already embarked on several projects to cut out duplication of effort and red tape, Van Orman said.

For instance, he said, the council is working with the state of South Dakota to bring about a model rural development program.

Currently under way is a plan to house all five of the council members in the Denver Federal Building to further facilitate coordinated planning and make all of the human resources departments more accessible to the public.

Only HEW and Labor are now in the building, with the other three council members' offices scattered throughout Denver.

Nixon recommended affirmative debate by Congress on the proposals. He could have submitted them as reorganization plans which would take effect in 160 days unless either house objects.

Debate on the proposals may be lengthy as lobbyists and other interested persons make their views on the plans known.

The revision suggested by the President would be the most sweeping since the creation in 1789 of the first four Cabinet departments.

Denver is one of 10 cities with regional headquarters for the five human resource-oriented departments. All have established regional councils similar to the one here.

The other cities are Boston, New York, Philadelphia, Atlanta, Chicago, Dallas-Ft. Worth, Kansas City, Seattle and San Francisco.

COMPTROLLER GENERAL REPORT CRITICAL OF BUREAU OF MINES RECORD IN ENFORCING FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. WILLIAMS. Mr. President, last summer I requested the Comptroller General to investigate the implementation of the Federal Coal Mine Health and Safety Act of 1969. I have just received his report. His most disturbing conclusion is as follows:

Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones. That situation is attributable, at least in part, to the fact that the Department's policies for enforcing health and safety standards have been, at times extremely lenient, confusing, uncertain, and inequitable.

HISTORY OF FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Federal Coal Mine Health and Safety Act of 1969 was enacted in response to the failures of both the Federal Government and the State governments in coal mining States to insure adequately the safety of the Nation's coal miners and to their complete disregard of the problems of health in the coal mining industry. This history was well documented during the hearings on the legislation as well as in the committee reports. There is no purpose to be served in restating

those failures other than to recognize that the statute was designed not only to remedy the twin evils of unsafe and unhealthy conditions but to remedy the bureaucratic malaise that gripped both the Federal and State bureaucracies for decades.

The enactment of the Federal law led to immediate criticism from all quarters except the affected miners. To them the new law was a ray of hope. The several bureaucracies defensively argued that the statutory time limits for enforcement as well as the statutory standards were too strict and various segments of the industry pleaded that they could not comply. The severest criticism however, was not directed at Congress. Rather it was directed at the Federal Bureau of Mines by the men for whom the statute was enacted—the coal miners. Their cries at first went unheard by the Bureau of Mines and resulted in a series of work stoppages across the coal fields to protest the inadequate enforcement of the new law.

In response to this situation, the Subcommittee on Labor conducted a series of legislative review hearings both in Washington and in the coal fields of Pennsylvania and West Virginia during the summer of 1970. By and large those hearings demonstrated that the miners' plea was legitimate, that their complaints were not exaggerated, and unfortunately, that the Federal Bureau of Mines was unable to shake itself free from its "business as usual" attitude toward the problems of health and safety. During the course of those hearings I, as chairman of the subcommittee requested that the Comptroller General review the Bureau of Mines "actions and plans for implementation of the act, and furnish the subcommittee with a report on these activities including any comments or recommendations you believe are appropriate." That investigation was undertaken immediately. The Comptroller General has now provided the subcommittee with a report and recommendations.

COMPTROLLER GENERAL'S INVESTIGATION

The Comptroller General has investigated several aspects of the Bureau's enforcement program. Generally, the Comptroller General found that—

Progress in complying with the requirements of the Federal Coal Mine Health and Safety Act of 1969 has not been in accord with the target dates set forth in the act, and it does not appear that full compliance will be achieved in the near future.

This criticism is directed at the Bureau's safety and health inspection program, approval of roof control, ventilation and fan stoppage plans and hiring of coal mine inspectors.

The Comptroller General went further and found that—

The operators' required self-policing programs for determining whether they were complying with health and safety requirements also appeared to be ineffective.

While he recognized that the responsibilities of the Bureau were greatly expanded with the passage of the 1969 act and that there are significant problems in obtaining compliance with its requirements:

We believe that the Bureau can do more to achieve a greater degree of compliance. (Italic added.)

Mr. President, for the benefit of my colleagues, I will now briefly summarize some of the more serious findings and conclusions of the Comptroller General.

INADEQUATE SAMPLING AND INSPECTION PROGRAMS BY THE OPERATORS

The act requires that numerous health and safety inspections be made by the coal mine operator. The Comptroller General found that most operators had not started their dust sampling programs as late as 5 months after the law required that such sampling begin—June 30, 1970—and that, in one sampling, more than 55 percent of the dust samples taken were unusable for various reasons.

In the Comptroller General's view:

. . . it appears doubtful that the mine operators' sampling programs have been of much value to the Bureau for enforcement purposes.

On the safety side, the report gives even greater immediate reason for concern. The law requires four Federal safety inspections annually. However, to insure safety when the Federal inspector is not present, the law requires inspections by the operator before each shift, during each shift and every week.

The Comptroller General found that frequently these inspections were not being made or were being made inadequately and that the Bureau was not taking the necessary steps to improve this situation:

We believe that effective preshift, onshift, and weekly inspections by the mine operators could result in fewer repeated violations of the type discussed above and in safer conditions for the mine workers. Therefore, the Bureau should require that the mine operators implement effective inspection programs. To achieve more effective examinations will require the operators to devote more emphasis to recruiting and training persons to perform these inspections. The operators also must provide for the prompt correction of hazardous conditions brought to their attention by their inspectors if the required inspections are to serve their purpose.

DELAYS IN SUBMISSION AND APPROVAL OF PLANS FOR ROOF CONTROL, VENTILATION, FAN STOPPAGE, AND EQUIPMENT LISTINGS

The two most serious safety problems in coal mines are roof control and methane control. To reduce the fatalities caused by roof falls and explosions, the Act requires that roof control, ventilation and fan stoppage plans be submitted by the operators for Bureau approval.

The Comptroller General inspected the adequacy of the Bureau's implementation of these requirements in two districts. Although the Mt. Hope, West Virginia district, had a much better record than the Norton, Virginia district, the Comptroller General still was compelled to reach a generally negative conclusion:

The act requires that mine operators submit and the Bureau approve plans for roof control and fan stoppage by May 29, 1970, and plans for ventilation by June 28, 1970. The act requires also that operators furnish the Bureau by May 30, 1970, a listing of all electric equipment in use in the areas where coal is actually being mined. Our review showed that many such plans and listings had not been submitted and approved as of December 1970.

The act requires further that roof control and ventilation be reviewed by the Bureau at least every six months. Neither district had begun this review process at the time of our review due to the backlog of initial approvals. We found that, until recently, the Bureau did little to induce operators to submit the required plans and listings. The responsibility for reviewing and approving plans had been delegated to the district office level with little or no direction from the Bureau headquarters.

NEED FOR CLEAR AND STRICT ENFORCEMENT POLICY

The most critical aspect of the Comptroller General's report deals with the Bureau of Mines' enforcement policy. This is most disturbing in light of the fact that the ineffectiveness of the Bureau's enforcement program was brought home to the Bureau during the Labor Subcommittee's legislative review hearings last summer.

In summary, the Comptroller General found as follows:

Since the act became effective, Bureau of Mines inspectors have made many inspections, cited mine operators for many violations during their inspections, and required operators to abate the specific violations cited. When the inspectors made subsequent inspections of these mines, numerous new violations were cited and in many instances the violations were the same type that had been previously cited and abated. Thus, in many instances mine operators have not taken the actions necessary to assure full compliance with the prescribed health and safety standards.

We believe that the aforementioned situation is attributable, at least in part, to the Department's policies for enforcing health and safety standards, which in our opinion have not been effective and have at times been confusing, uncertain, and inequitable.

Last summer, the Assistant Secretary of Interior responsible for the enforcement of the act told the Labor Subcommittee that relatively few mines had to be closed for failure to abate violations in a reasonable time. However, the Comptroller General found that—

Although the unsafe conditions noted by the Bureau inspectors might have been quickly abated, our analysis of subsequent inspection reports indicated that, when the Federal inspectors returned to mines previously inspected, they often had found many violations of health and safety standards, including violations of the same standards previously cited. To achieve the objectives of the health and safety standards, the Bureau should require mine operators to take the necessary actions to ensure compliance with such standards on a day-to-day basis.

All too frequently while the operators may take action to correct the deficiency found by the Federal inspector, action is not taken to preclude a recurrence of the violation. For example, in one hazardous mine, the Comptroller General found that the operator had been cited for violations involving excessive

accumulations of combustible materials during 9 out of 20 inspections. I need not remind my colleagues that excessive coal dust—a combustible material—was in part responsible for the 38 deaths in the recent mine disaster at Hyden, Ky.

The Comptroller General, in my judgment, is absolutely correct in concluding that the Bureau should "have made greater use of the authority to close mines for unwarrantable failure to comply with the act." He is also obviously on target with his criticism of the use of token penalties, a criticism the Labor Subcommittee levelled at the Bureau as early as last summer.

The Comptroller General's report is dated almost 1½ years after enactment of the Coal Mine Health and Safety Act of 1969. During that 1½-year period several Members of Congress, and especially the Senate's Labor Subcommittee, have been critical of the Bureau's procedures for assessment of penalties. We have been critical particularly of the Bureau's failure to take into account, in assessing penalties, the several factors mandated by Congress in the statute. Yet, the Comptroller General found this problem no less serious now than it has been for a year and a half.

The penalty schedule used by the Assessment Officer gives little or no consideration to most of the six factors which are set forth in the regulations quoted above as well as in the act. For example, the amounts of penalties in his schedule do not take into consideration the effect that such penalties will have on the operator's ability to continue in business, the demonstrated good faith of the operator to achieve rapid compliance, whether the operator has been negligent, or the operator's history of previous violations.

With regard to the operator's history of previous violations, we have been advised by the Assessment Officer that this factor is not being considered now because the period March 30, 1970, to April 1, 1971, is being considered as an educational period for the operators to become familiar with all the provisions of the act. The history of an operator will be considered on the basis of his compliance after the initial assessment for violations committed after April 1, 1971—1 year after the safety standards became effective under the act.

The Assessment Officer stated that assessment of penalties was not being proposed for violations issued between March 30 and April 30, 1970, because these violations cited the regulations issued in the Federal Register of March 28, 1970, which the April 30, 1970, court order restrained the Department from enforcing. This restraining order, however, subsequently was dissolved. We see no valid reason for distinguishing between violations cited prior to the restraining order and those cited afterward, except for those violations cited prior to the restraining order which could not have been avoided because of the unavailability of equipment, material, personnel, or technology.

We in the Congress are all aware of the vital necessity for an effective and equitable enforcement program if any of the laws we enact are to serve their purposes. This awareness makes the Comptroller General's findings on this point all the more despairing.

Let me quote from his conclusions on the Bureau's enforcement policies:

We believe that the Bureau's enforcement practices were not as effective as they could have been in inducing mine operators to take the necessary actions to ensure full compliance with the act. In this regard we believe that the Bureau should assess sufficiently large penalties to provide this inducement and should exercise greater use of its authority to issue withdrawal orders against mine operators who repeatedly fail to comply with the act. We believe that mine operators have had sufficient time to become familiar with all the requirements of the act and that the operators' history of previous violations should be considered in establishing the amounts of the penalties.

We believe that, contrary to past practices, the Department should apply its enforcement policy uniformly and equitably to all mine operators who do not comply with the act.

Let me also remind my colleagues that this is not political rhetoric but the positive finding of an impeccably objective arm of the Congress.

NONCOMPLIANCE WITH LAW DUE TO SHORTAGES OF EQUIPMENT

For over a year now "shortages of certain types of equipment have been cited as a major cause of noncompliance with various health and safety requirements of the act." Although there have been shortages of certain types of equipment, the Comptroller General's findings reflect that a shortage of creative planning and creative adaptability is the more serious problem:

Certain equipment shortages, although less of a problem now than when the act was passed, continued to preclude operators from complying with certain requirements. We found that some of these problems might be solved if the Bureau required operators to substitute equipment which was readily available for equipment which was not readily available. We found also that the Bureau apparently had contributed to the earlier equipment shortage by overbuying respirable-dust-sampling equipment and thus unnecessarily had reduced the quantities of such equipment available for purchase by mine operators.

In our opinion, the Bureau may have permitted unnecessarily prolonged noncompliance with certain provisions of the act by allowing mine operators to order a particular brand of equipment and by granting time extensions for compliance even though that brand may have been in short supply while a comparable substitute brand may have been readily available.

We believe that the Bureau purchased more dust-sampling equipment than it needed at the time, and, in doing so, contributed to the problem of an overall shortage of the equipment and might have precluded many mine operators from establishing a dust-sampling program within the time required by the act.

The Bureau headquarters has not provided inspectors with guidance as to (1) the specific types of equipment that are, in fact, in short supply and (2) a reasonable estimate of the lead time necessary to obtain such equipment. Without such information there is no assurance that uniform determinations are being made by the Bureau inspectors regarding the unavailability of equipment or the time necessary to obtain equipment not readily available.

NEED FOR MORE GUIDANCE FOR INSPECTORS

In the field of safety and health, the function of the inspector is vital. He needs to be completely prepared to do a thorough job, to be objective, and to have the most up-to-date knowledge. No one would quarrel with this. Yet, in the Bureau of Mines this apparently is not the case. The following is the conclusion of the Comptroller General:

We believe that the Bureau has not provided Bureau inspectors with adequate guidance concerning the criteria and methods used to determine whether mine operators comply with the health and safety standards set forth in the act and in the Department's regulations. We believe that the need for more definitive guidelines concerning the criteria and methods used in inspections is especially acute at this time because the Bureau is in the process of quadrupling the inspection force that it had when the act was approved.

The Federal Coal Mine Health and Safety Act of 1969 is very comprehensive and complex, and we believe that, if the provisions of the act are to be administered uniformly, the Bureau's inspectors need to have a comprehensive, up-to-date manual.

The only manual available to the inspectors was prepared to implement the provisions of the 1952 act. We recognize that new inspectors receive classroom, as well as on-the-job training. Nevertheless, in view of the complexities of inspection activities, we believe that written guidelines would provide greater assurance that inspection activities were being administered uniformly.

NEED FOR IMMEDIATE ACTION BY THE BUREAU OF MINES

It is clear from the history of the past year as now documented both in Senate hearings and by an investigation by the Comptroller General that the Coal Mine & Safety Act of 1969 has not been effectively implemented. What is worse is that little in the past year has happened to give me any hope for an immediate change. I have, therefore, begun to consider seriously the desirability of transferring the health and safety functions from the Department of the Interior to the Department of Labor. Whether such a move will bring greater safety and health to the mine fields is not clear, and I will reserve judgment until sufficient time has elapsed to measure the impact of this report on the Bureau of Mines. What is clear is that a massive shakeup is absolutely necessary; not a reorganization in the bureaucratic sense, but some cataclysmic event which will bring the health and safety functions of the Bureau of Mines into the 1970's. I pray that this can be achieved without another Farmington or Hyden disaster.

Mr. President, I ask unanimous consent that the entire text of the Comptroller General's report be inserted in the RECORD.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

B–170686.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate.

DEAR MR. CHAIRMAN: This is our report on problems in implementation of the Federal Coal Mine Health and Safety Act of 1969 by the Department of the Interior. The results

of our review are being made available to you in response to your request of August 13, 1970.

Our principal observations are summarized in the digest which appears at the beginning of the report.

As a result of agreement reached with your office, we obtained, and incorporated in the report, the comments of the Department of the Interior on the matters discussed in the report.

This report is being sent today to the Secretary of the Interior with a request that he furnish us with information on the specific actions and plans that the Department of the Interior and the Bureau of Mines have initiated to implement our recommendations.

We believe that the contents of this report would be of interest to other committees and members of the Congress. Any additional release of this report will be made, however, only upon your agreement or upon public announcement by you concerning its contents.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

PROBLEMS IN IMPLEMENTATION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

(Report to Subcommittee on Labor Committee on Labor and Public Welfare, U.S. Senate, by the Comptroller General of the United States)

DIGEST

Why the review was made

The Federal Coal Mine Health and Safety Act of 1969 placed new responsibilities on the Bureau of Mines of the Department of the Interior for inspection of coal mines and gave the Bureau broad authority to enforce correction of unsafe and unhealthy conditions.

At the request of the Chairman, Subcommittee on Labor, Senate Committee on Labor and Public Welfare, the General Accounting Office (GAO) made a review of the Department of the Interior's implementation of the act.

Findings and conclusions

At the two districts visited by GAO, the Bureau had made about 31 percent of the required safety inspections and about 1 percent of the required health inspections through December 31, 1970.

Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones. That situation is attributable, at least in part, to the fact that the Department's policies for enforcing health and safety standards have been, at times extremely lenient, confusing, uncertain, and inequitable.

Various required samplings and inspections were not made by the mine operators, and some that were made were not adequate.

Plans for roof control, ventilation, and emergency action when a fan stops either have not been submitted by all mine operators or have not been approved by the Bureau of Mines, although the act requires that they be submitted and approved. Until recently the Bureau had done little to induce operators to comply.

The methods for approving roof control and ventilation plans and the contents of approved plans varied significantly between the two districts included in this review, apparently because Bureau headquarters had delegated the approval process to the district offices without providing sufficient guidance.

Regular mine inspectors make both health and safety inspections. The health inspections are less complex and do not require some of the special skills and knowledge that the regular inspectors must have. It may be possible to use some less highly qualified technicians to make health inspections to conserve the time of the regular inspectors who are in short supply.

The Bureau's practices concerning the imposition of penalties for noncompliance do not consider various factors prescribed in the act, such as the effect that such penalties will have on the operator's ability to continue in business and the operator's history of previous violations.

Shortages of certain types of equipment have been cited by the Bureau of Mines as a major cause of noncompliance with health and safety requirements. In this connection:

The Bureau has made no overall studies of the availability of equipment required for compliance with the act and of the normal time required to obtain equipment in short supply.

The Bureau may have permitted unnecessarily prolonged noncompliance with certain equipment requirements by granting mine operators time extensions to obtain a particular brand that was in short supply while an essentially comparable substitute was readily available.

The Bureau purchased more dust-sampling equipment than it needed and thus contributed to a shortage of such equipment and possibly precluded many mine operators from establishing dust-sampling programs within the time required by the act.

The team that investigates mine accidents usually includes Bureau personnel who have been involved in prior inspections of the mine or related activities or who are subordinate to officials responsible for carrying out these activities. In such cases, these personnel, in effect, are required to evaluate their own previous performance or that of officials to whom they are responsible. GAO believes that there should be greater independence in accident investigations.

Bureau inspectors are given insufficient criteria for making decisions on mine operators' compliance with health and safety standards. GAO believes that a comprehensive manual should be issued to provide inspectors with the necessary criteria and guidance.

Bureau representatives said that shortages of qualified manpower, certain equipment, and sufficient time were the principal reasons for noncompliance with the requirements of the act. GAO recognizes that the passage of the 1969 act has greatly expanded the responsibilities of the Bureau and that there are significant problems in obtaining compliance with its requirements. GAO believes, however, that more could have been done to achieve greater compliance.

Recommendations for suggestions

GAO made a number of proposals to the Secretary of the Interior to achieve the improvements needed. (See pp. 38, 55, 64, and 75.)

Agency actions and unresolved issues

The Department of the Interior said that GAO's report was an objective appraisal of the Bureau of Mines' efforts to implement the act in the time period covered by the report. With one exception, the Department said that actions responsive to GAO's proposals had been initiated or planned. (See pp. 39, 55, 65, and 76.)

The Department disagreed with GAO's suggestion concerning the use of people less highly qualified than regular coal mine inspectors to perform health inspections. The Department believes that it is highly desirable that all inspectors be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law, in both respects, at all times that they are in the mines. The Department stated also that it expected to recruit by June 30, 1971, the minimum number of personnel to make all the inspections required by the act.

GAO agrees with the Department's basic views. It believes, however, that, should serious difficulty be experienced in meeting recruitment goals for regular coal mine inspectors, the Department should give further consideration to the possibility of using less qualified persons to make health inspections.

CHAPTER 1.—INTRODUCTION

Pursuant to a request dated August 13, 1970, by the Chairman, Subcommittee on Labor, Senate Committee on Labor and Public Welfare (see app. I), we have reviewed the implementation of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 *et seq.*) by the Bureau of Mines, Department of the Interior. Our review was directed toward evaluating the extent to which the Bureau required mine operators to comply with major health and safety requirements of the act.

Prior to the enactment of the Federal Coal Mine Health and Safety Act of 1969, the Bureau carried out a coal mine inspection and investigation program under the Federal Coal Mine Safety Act enacted in 1952. The new act repealed the 1952 act and placed new responsibilities on the Bureau of Mines for carrying out a program of inspection of coal mines and gave the Bureau broad authority to enforce correction of unsafe or unhealthy conditions.

The stated purposes of the act are (1) to establish interim mandatory health and safety standards and to direct the Secretary of the Interior to promulgate improved mandatory health and safety standards to protect the health and safety of the Nation's coal miners; (2) to require that each coal mine operator and miner comply with such standards; (3) to cooperate with and to provide assistance to the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases.

In carrying out its responsibilities under the act the Bureau of Mines conducts investigations and inspections to determine the extent of compliance with the mandatory health and safety standards, issues violation notices and assesses penalties to miners and mine operators who violate the law and regulations, and establishes and conducts education and training programs to improve health and safety conditions and practices in mines.

The Bureau has five coal mine health and safety districts which have subdistrict and field offices to assist in carrying out the programs in their geographic areas. The Bureau also has a technical and advisory support group and a health group in Pittsburgh, Pennsylvania. The functions of the health group include analyzing samples of the mine's dust submitted by mine operators to determine the amount of dust particles to which miners are exposed. Support services also are provided by the Bureau's Automatic Data Processing Section located in Denver, Colorado. In addition, the act established the Interim Compliance Panel which is responsible for granting permits for noncompliance with certain health and safety standards.

The approximate expenditures for fiscal years 1970 and 1971 for implementing the

major provisions of the Federal Coal Mine and Safety Act of 1969 are as follows:

	Millions omitted	
	1970	1971
Inspections, investigations, and rescue work	$12	$22
Health and safety research	11	20
Total	23	42

We have used in this report the approximate number of underground coal mines in operation during November 1970, as being indicative of the number of coal mines subject to the provisions of the act. The number of mines will change continually because of the opening of new mines and the closing of existing mines.

Our review was performed principally at the Bureau's district offices at Mount Hope, West Virginia, and Norton, Virginia. Of the approximately 2,475 underground coal mines in operation in November 1970, the Mount Hope District Office had enforcement responsibility for about 580 mines and the Norton District Office had responsibility for about 1,365 mines. Thus these two district offices were responsible for enforcing the provisions of the act at about 1,945 mines, or about 80 percent of the Nation's underground coal mines.

Major provisions of the act

The Federal Coal Mine Health and Safety Act of 1969 prescribes interim mandatory health and safety standards applicable to all underground coal mines until the Secretary of the Interior promulgates improved standards. The interim safety standards became effective on March 30, 1970, and the interim health standards on June 30, 1970.

The act prescribes a program of coal mine inspections to be carried out by the Department of the Interior to determine whether mines are operating in compliance with prescribed health and safety standards. The act provides authority to the Secretary of the Interior to enforce correction of conditions or practices that may be detrimental to the health and safety of miners. In addition, the act requires that representatives of the mine operators make certain health and safety inspections.

Health standards

The act prescribes health standards for controlling respirable coal dust which is the cause of pneumoconiosis, known as black lung. As defined by the act, respirable dust particles are 5 microns or less in size (a micron is one twenty-five thousandths of an inch). Effective June 30, 1970, the amount of such dust to which a miner may be exposed cannot exceed 3 milligrams per cubic meter of air, and after December 30, 1972, the concentration cannot exceed 2 milligrams.

Operators who were unable to comply with the 3-milligram standard could obtain from the Interim Compliance Panel noncompliance permits for up to 1 year during which time the standard, as set by the Panel, could not be greater than 4.5 milligrams. The Panel also is authorized to grant permits for noncompliance with the 2-milligram standard which will become effective after December 30, 1972.

In addition to requiring the Bureau inspectors to take periodic samples of the concentrations of respirable dust in each mine, the act requires mine operators to establish sampling programs in each mine and to submit dust samples to the Bureau for evaluation.

The act also includes interim health standards relating to dust resulting from drilling in rock, dust when quartz is present, and noise. The act provides that miners be given periodic chest X-rays for the detection of black lung.

Safety standards

The major safety provisions of the act relate to roof control, ventilation, and electrical systems and equipment. The act also established safety requirements in the areas of (1) combustible materials and rock dusting, (2) blasting and explosives, (3) equipment for transporting miners, (4) emergency shelters, (5) communications, and (6) fire protection.

With regard to roof support, the act required that mine operators submit, and the Secretary approve, a suitable roof control plan for each mine by May 29, 1970. Approved roof control plans are used during the Bureau's inspections to test compliance with the requirements of the plan.

The act also required each mine to have an approved ventilation system and methane and dust control plan by June 28, 1970. The plan is to show, among other things, the type and location of mechanical ventilation equipment and the quantity and velocity of air reaching each working face (surface from which coal is actually mined) in the mine.

The act requires that, by May 29, 1970, each mine operator adopt a plan providing for immediate actions to be taken when any mine fan stops. The plan must be approved by the Secretary of the Interior.

The act provides that, to minimize the danger of explosions and electroncutions, the electrical system and equipment meet certain specifications established by the Secretary of the Interior. In contrast to roof control and ventilation standards which depend upon the approved plans for each mine, electrical requirements are to be applied uniformly to all mines.

CHAPTER 2. MINE INSPECTIONS AND OPERATING PLANS RELATING TO MINE SAFETY

Progress in complying with requirements of the Federal coal Mine Health and Safety Act of 1969 has not been in accord with the target dates set forth in the act, and it does not appear that full compliance will be achieved in the near future. Through December 31, 1970, the two districts that we visited—

Had made about 31 percent of the required safety inspections and about 1 percent of the required health inspections;

Had approved about 47 percent of the required roof control plans, about 10 percent of the required ventilation plans, and about 44 percent of the required fan-stoppage plans;

Had received about 44 percent of the mine operators' listings of electric equipment in use; and

Had hired only 76 of the 318 coal mine inspectors that they had planned to hire.

The operators' required self-policing programs for determining whether they were complying with health and safety requirements also appeared to be ineffective. For example, the act required coal mine operators to inspect each mine before the start of each shift. We found that the Bureau inspections had disclosed numerous violations which should have been identified and corrected during the operators' inspections.

Bureau representatives stated that the shortage of qualified manpower, the shortage of certain equipment, and insufficient time were the principal reasons for not meeting the requirements of the act. Although we recognize that the passage of the 1969 act has greatly expanded the responsibilities of the Bureau and that there are significant problems in complying with its requirements, we believe that the Bureau can do more to achieve a greater degree of compliance.

Our detailed comments on the above matters follow.

Required number of inspections not made

The act requires a complete health and safety inspection of each underground coal mine at least four times a year. In addition, the act requires that mines which (1) liberate excessive quantities of methane or other explosive gases, (2) have had a gas ignition or explosion resulting in death or serious injury during the past 5 years, or (3) have any other especially hazardous conditions be inspected at least once every 5 working days.

The mines subject to the weekly inspections are referred to by the Bureau as hazardous mines, and the weekly inspections are called hazardous spot inspections. A spot inspection generally is confined to a single working section of a mine, and a complete inspection includes the entire mine.

The schedule below shows the numbers and types of inspections required and made, from the effective date of the act to December 31, 1970, by the two district offices included in our review. Safety standards became effective on March 30, 1970, and health standards became effective on June 30, 1970.

District and type of inspection	Number		
	Required [1]	Made	Percent
Mount Hope:			
Hazardous spot [2]	2,886	1,510	52.3
Regular	1,737	440	25.3
Health	1,158	28	2.4
Norton:			
Hazardous spot [2]	936	527	56.3
Regular	4,098	554	13.5
Health	2,732	16	.6
Total	13,547	3,075	22.7

[1] The act required that all mines be inspected 4 times each year but did not specify the time intervals between inspections. The number of required regular and health inspections in the above table was arrived at by prorating on the basis of the effective dates of the requirements.

[2] Although the act required that, beginning on Mar. 30, 1970, hazardous mines be inspected at least once every 5 days, we noted that the Bureau had not made a final decision as to the criteria for identifying hazardous mines and had not begun to make the required inspections until May 1970.

During the same period the two districts also made 980 partial but representative inspections and 1,025 regular spot inspections. These inspections are not specifically required by the act.

A partial but representative inspection is an inspection of only a portion of a mine—usually one or two working sections. A regular inspection includes the entire mine. The Bureau used the partial inspections as a means of reaching as many mines as possible with the available inspectors. The partial inspections were discontinued about mid-1970, and we were advised that the Bureau did not plan to make any additional inspections of this type.

A regular spot inspection occurs when an inspector enters a mine to clear a violation cited during a previous inspection and cites another violation. In one district we found that Bureau statistics on regular spot inspections had been overstated in that they had included at least 178 instances where no form of inspection actually had been made. In these cases coal mine inspectors merely delivered notices of violations to mine operators for not submitting required ventilation and roof control plans, but the inspectors did not go underground.

We were informed by district officials that not all required inspections had been made because of a shortage of coal mine inspectors.

Opportunity for more effective use of inspectors

The two districts that we visited use coal mine inspectors to make health inspections which primarily involve collecting samples of respirable dust. We believe that, if less qualified persons were used for making health inspections, the Bureau could use its more highly qualified inspectors more effectively by freeing them to make the more complex safety inspections.

The act provides that coal mine inspectors be qualified by (1) practical experience in the mining of coal, (2) experience as practical mining engineers, or (3) education. The qualifications established by the Department, in conjunction with the U.S. Civil Service Commission, require that applicants have a minimum of 5 years of experience, consisting of 3 years of general experience and 2 years of specialized experience.

The general experience requirement may be met by an applicant who has worked as a miner, as a miner's helper, in other positions in a mine which have provided him with a working knowledge of mining processes, or in another occupation similar to mining operations, such as construction work in which excavation is a principal activity. Although there is no minimum education requirement for these positions, each academic year of study above the high school level may be substituted for 9 months of general experience.

Specialized experience consists of managerial or supervisory experience in mining in such positions as mining engineer, superintendent, foreman, or other responsible positions. To meet the specialized-experience requirement for a coal mine electrical inspector position, an applicant must have had experience as a fully qualified journeyman electrician in coal mining or must have held a managerial position relating to electrical requirements of coal mining.

Persons hired to inspect coal mines receive 10 weeks of classroom training and at least 3 months of field training with constant supervision before they are permitted to assume complete responsibility for coal mine inspections.

A health inspection primarily involves the collection of samples to determine whether the amount of respirable dust in the mine atmosphere to which miners are exposed is within the standards set forth in the act. In addition to taking these samples and determining whether there is compliance with the dust standards, an inspector is responsible for:

1. Determining whether the operator has initiated the required sampling program.

2. Determining whether respiratory equipment, such as self-rescue units, is available to miners.

4. Checking the operator's dust control program for its overall effectiveness.

5. Making adjustments to Bureau sampling units.

6. Keeping accurate notes and records of the health inspection.

We found that health inspections were quite time-consuming. The collection of a respirable dust sample requires that a sampling device be worn by, or placed in the proximity of, the miner whose atmosphere is being tested. Bureau procedures provide that samples be collected for miners in all coal-producing sections of the mine and for 10 percent of all workers not in the coal-producing sections. A determination of the average respirable dust concentration to which each individual miner is exposed requires the taking of at least two samples and may require the taking of as many as five samples.

A Bureau official told us that between 5 and 6 inspector man-days were required to collect the samples and to prepare the necessary report for miners in one coal-producing section and for 10 percent of those miners working outside of coal-producing sections. The total inspector man-days required to determine whether a mine is in compliance with the dust standards set forth in the act depend upon the number of coal-producing sections in a particular mine. For example, we found that a total of 19 man-days had been spent in collecting dust samples at a mine in the Mount Hope district. Test results for the samples showed that the operator was in compliance with the respirable dust standards.

On the basis of our observation of a portion of a health inspection and discussions with Bureau officials, we believe that the duties of a health inspector do not demand the same experience and training in electrical system and equipment, ventilation, roof control, and other areas which are necessary for coal mine inspectors who make safety inspections. The use of less qualified persons to make health inspections could permit the more effective utilization of regular coal mine inspectors by freeing them to make the more complicated safety inspections.

Inadequate sampling and inspection programs by mine operators

In addition to requiring the Bureau inspections of coal mines, the act requires that the mine operators make certain health and safety examinations, including sampling respiratory dust and making preshift, onshift, and weekly inspections of the working areas. Our review indicated that not all the operators were making these inspections and that some inspections which had been made were not adequate.

Dust Sampling

Effective June 30, 1970, each coal mine operator was required to initiate a dust-sampling program to assist the Bureau in determining whether the workers in such mine were being exposed to excessive quantities of respirable dust.

The operator must forward the samples taken to the Bureau's Pittsburgh field group where they are measured and recorded. Pertinent information concerning the samples then is transmitted to the Bureau's Automatic Data Processing Section in Denver where it is processed. These results then are transmitted to the respective district offices so that appropriate action can be taken where operators are not in compliance with the required dust standard.

Each operator initially is required to collect and submit 10 valid samples from each coal-producing section or other areas where dust is generated. The operator subsequently is required to collect five valid samples each month in each coal-producing section. Where analysis of the initial and subsequent samples shows that the operator is complying with the applicable dust standard, the Bureau may require that samples be taken only bimonthly.

We discussed the implementation of the mine operators' sampling program with responsible agency officials at the Mount Hope and Norton District Offices. We were informed by district office officials that, as of November 1, 1970, about 80 percent of the mines in the Mount Hope district and, as of November 19, 1970, about 75 percent of the mines in the Norton district had not implemented fully the required sampling program. Therefore, although the requirement for full implementation of the operator's dust sampling program was effective June 30, 1970, most operators had not started sampling 5 months later.

Reasons for not sampling

We discussed with officials of both districts the reasons why so many operators had failed to take dust samples. They informed us that an equipment shortage initially had been a major factor but that this problem should no longer exist. They informed us also that many operators apparently had realized that the dust concentrations in their mines were above the applicable standard. They informed us further that, rather than initiate sampling programs, be cited for exceeding dust standards, and be required to take samples during every production shift until the violations were abated, these operators did not start sampling until corrective measures had been taken to reduce dust concentrations.

One of the district officials advised us that, because of the initial expense in purchasing equipment for dust control and because of a general feeling that the law might not be enforced strictly, many operators had adopted a "wait and see" attitude, intending to take only the minimal action necessary to comply with the Bureau's enforcement practices.

Efforts by Bureau to enforce dust-sampling requirements

In an effort to ensure that additional mine operators would initiate a sampling program, a list of mines which had no sampling program was obtained by both district offices from the Bureau's Automatic Data Processing Section in Denver. During the first week of October 1970, all mine operators determined not to be sampling were issued a notice of violation for failure to initiate a respirable-dust-sampling program.

The notice of violation advised each operator that he would be given until October 26, 1970, to abate the violation by taking the required samples. The notice further provided, however, that, upon the presentation of evidence by the operator to the Bureau's Washington headquarters that the violation could not be abated within the time specified because of unavailability of equipment or personnel which he was attempting to obtain, consideration would be given to an appropriate extension of time to abate the violation.

We were informed by agency officials that the health groups had given high priority to the follow-up of actions taken by operators on the notices issued for these violations. Bureau records showed, however, that, about 1 month after these violations were required to be abated, 53 percent of the mines in the Mount Hope district and 74 percent of the mines in the Norton district still had not instituted dust-sampling procedures. Information obtained from the Bureau further showed that, as of March 1, 1971, 22 percent of the mines in the Mount Hope district and 42 percent of the mines in the Norton district still had not initiated dust-sampling procedures.

Quality of dust sampling by mine operators

We reviewed the results of the dust samples taken on several selected days by coal mine operators who had implemented the sampling procedures. We found that more than 55 percent of the samples taken had been determined by the Pittsburgh field health group to be unusuable for various reasons, such as (1) submitting erroneous data with the sample, (2) taking samples on shifts where production was less than 50 percent of normal production, and (3) mishandling sampling equipment which caused the sample to be void.

During our discussions with district office officials, we were informed that the results of the samples that we had selected for review were representative of normal results.

In view of the extent to which such samples are unusable, it appears doubtful that the mine operators' sampling programs have been of much value to the Bureau for enforcement purposes.

Safety Inspections

Our review indicated that there was a need for mine operators to place greater emphasis on making the required preshift, onshift, and weekly inspections to detect conditions which constituted violations of mandatory safety standards or other conditions hazardous to persons entering or in the mines. Our review of selected Bureau reports on inspections of hazardous mines showed that mine operators repeatedly had been issued notices for similar violations over extended periods.

Bureau officials agreed that many of the violations for which operators had been cited by the Bureau were of the type which the operators' inspections should have identified and which should have been corrected by the operators prior to the Bureau inspections. We found evidence of the need for improvements in the inspection programs of both large and small mines.

Section 303(d)(1) of the act provides that, within 3 hours immediately preceding the beginning of any shift and before any miner enters the mine, persons designated by the operator and certified by the State as being qualified to make inspections examine the active workings of such mine. This preshift inspection is to include tests for accumulations of methane and for oxygen deficiency; examination and testing of the roof, face, and rib conditions in such working sections; examination of active roadways, travel ways, belt conveyors on which men are carried, and approaches to abandoned areas; and tests for proper ventilation.

Section 303(e) of the act provides that, at least once during each coal-producing shift or more often if necessary for safety, the examiner be required to make inspections of each working section similar to the preshift inspections. In addition to requiring the preshift and daily inspections, section 303(f) of the act requires the examiner to make examinations in specific locations in the mine for hazardous conditions at least once each week.

The act requires that each operator provide a program, approved by the Secretary of the Interior, for training prospective inspectors and for retraining the certified inspectors needed to conduct these inspections.

The mine operator's examiner is required to record the results of his inspections in books approved by the Secretary of the Interior. If the examiner finds any hazardous condition, he should promptly notify the operator and the condition should be corrected immediately.

In the preshift inspection, he should post a "Danger" sign conspicuously at all points through which persons entering such place would be required to pass. No person, other than an authorized representative of the Secretary of the Interior, a State mine inspector, or persons authorized by the operator to eliminate the noted hazardous authorized by the operator to eliminate the noted hazardous condition, may enter such place while the sign is posted. If a condition noted during the onshift or weekly inspection creates an imminent danger, the operator is required to withdraw all persons, except those mentioned above, from the affected area until the danger is abated.

Some inspections performed by the certified persons designated by mine operators appeared to have been ineffective because certain hazardous conditions and violations of mandatory safety standards, that the operators should have been made aware of by such inspections, were not corrected prior to Bureau inspections. Bureau inspection reports which we reviewed showed that notices had been issued repeatedly for violations of certain standards which we selected for use in evaluating the effectiveness of the mine operators' inspection programs.

The types of violations that we selected were (1) loose or inadequately supported roof; (2) inadequate ventilation; (3) failure to properly install and/or maintain line brattice (canvas or similar material used in mine passage to direct the flow of air) to provide adequate ventilation; (4) coal dust, loose coal, and other combustible material accumulated in active workings or on electrical equipment; (5) inadequate rock dusting (applying an incombustible material, usually powdered limestone, to the mine surface) to maintain the required incombustible content of the combined coal dust, rock dust, and other dust; and (6) more than one temporary splice, a temporary splice of an unacceptable quality in a trailing cable (a flexible electric cable connecting mine equipment to the power source) for electric equipment.

We found that in one hazardous mine the Bureau had performed 24 spot inspections during the 7-month period ended December 31, 1970, and had issued to the mine operator a total of 64 notices for violations of the standards listed above, of which 15 were for accumulations of coal dust, loose coal, and other combustible materials and 14 were for inadequate rock dusting.

Because the mine was classified as hazardous under section 103(i) of the act, it was subject to a spot inspection at least once during every 5 working days at irregular intervals. Despite the mine operators' apparent knowledge that the Bureau inspector could be expected during every 5-working-day period, the inspector often issued notices for similar violations on consecutive inspections. The correction of these violations did not appear to place any unreasonable demands on the operator because they were generally abated during the Bureau inspector's visits.

We discussed the implementation of the mine operators' inspection programs with several mine operators. These operators advised us of several reasons for their being cited repeatedly for these types of violations, including (1) the lack of certified persons to perform the required inspections; (2) their disagreement with Bureau inspectors' judgment—for example, whether the amounts of coal dust, loose coal, and other combustible material accumulations observed actually represented a hazardous condition; (3) the inconvenience or time lost in correcting conditions—for example, replacing temporary splices with permanent splices or providing new trailing cables; and (4) the lack of cooperation from the workers.

One mine company official stated that a planned program to recruit and train more persons needed to conduct the inspections was expected to achieve only limited success because of the workers' reluctance to accept the added responsibility of this position.

We believe that, when Bureau inspections disclose repeated violations of a similar nature or when violations appear to have existed for long periods of time, the Bureau should determine whether such situations are attributable to the failure of the mine operator to provide for adequate inspections, to the failure of the mine operator to take prompt corrective actions on hazardous conditions noted by the inspector, or to differences in the way in which the mine operator and the Bureau inspector interpret the safety standards.

If the Bureau finds that the operator's inspections are inadequate or that prompt corrective actions are not taken, we believe that it would be appropriate to penalize the operator. If, however, the Bureau finds that there are differences in interpretation of the requirements, such differences should be resolved.

The inconvenience caused by the need to correct a known statutory violation—such as the need to replace temporary splices in trailing cables—and the lack of cooperation from the workers do not seem to be sufficient justifications for not complying with specific requirements of the act.

The possible lack of objectivity by some operators who inspect their own mines may cause them to make ineffective examinations. For example, we noted one case in which a worker had been injured fatally by a roof fall in a small mine. According to the Bureau's investigation report on the fatality, one of the causes of the accident was the mine operator's failure to comply with his roof control plan which the Bureau had approved. The mine operator, who personally made the required inspections for hazardous conditions, had completed his inspection during the day of the accident without having noted the noncompliance with the approved roof control plan.

The Bureau inspector who conducted the investigation of the fatality told us that the mine operator had not been following the roof control plan for at least 2 days. He agreed that the mine operator should have noted the hazardous condition during his inspections.

The Bureau issued an order to withdraw all persons from the affected area because of the imminent danger of death or serious physical harm to the workmen as a result of conditions found in the mine subsequent to the accident. Although a notice of penalty pertaining to these conditions also had been issued to the mine operator, he was not cited for his ineffectiveness or indifference in making the inspections required for hazardous conditions.

A Bureau official advised us that its policy was not to attempt to determine whether violations of mandatory safety standards or other conditions for which the Bureau inspector issued notices had been present long enough for the operators' mine inspectors to have noted them and for the operators to have effected their correction prior to the Bureau inspectors' visit.

We believe that effective preshift, onshift, and weekly inspections by the mine operators could result in fewer repeated violations of the type discussed above and in safer conditions for the mine workers. Therefore the Bureau should require that the mine operators implement effective inspection programs. To achieve more effective examinations will require the operators to devote more emphasis to recruiting and training persons to perform these inspections. The operators also must provide for the prompt correction of hazardous conditions brought to their attention by their inspectors if the required inspections are to serve their purpose.

Delays in submission and approval of plans for roof control, ventilation, fan stoppage, and equipment listings

The act requires that mine operators submit, and the Bureau approve, plans for roof control and for stoppage by May 29, 1970, and plans for ventilation by June 28, 1970. The act requires also that operators furnish the Bureau, by May 30, 1970, with a listing of all electric equipment in use in the areas where coal actually is being mined. Our review showed that many such plans and listings had not been submitted and approved as of December 1970.

The act requires further that roof control and ventilation plans be reviewed by the Bureau at least every 6 months. Neither district had begun this review process at the time of our review due to the backlog of initial approvals. We found that, until recently, the Bureau had done little to induce

operators to submit the required plans and listings. The responsibility for reviewing and approving plans had been delegated to the district office level with little or no direction from the Bureau headquarters. More detailed comments on these matters follow.

Roof control plans

The roof control plan describes the type and spacing of roof supports used, the procedures for installing the supports, and the sequence of mining to be followed. Approved plans are required to be posted at the mine to inform miners of the procedures that should be followed in their day-to-day operations and to provide criteria to be used by inspectors in citing unsafe roof conditions or practices.

Roof falls are one of the principal causes of fatalities in underground coal mining. During calendar years 1969 and 1970, the number of fatalities from this cause reported by the Bureau was 72 and 77, respectively. The purpose of the roof control plan is to reduce this hazard.

The schedule below shows the number of plans submitted and approved by May 29, 1970, and December 7, 1970.

District	Date	Approximate number required	Number of plans submitted	Number of plans approved	Percent of required plans approved
Mount Hope	May 29, 1970	580	355		
	Dec. 7, 1970	580	536	88	15
Norton	May 29, 1970	1,365	75	[1] 12	1
	Dec. 7, 1970	1,365	874	[1] 831	61

[1] Includes both tentative and fully approved plans.

The Department's regulations published on March 28, 1970, set forth specific items of information required in all roof control plans and establish the criteria by which district managers are to be guided in approving the plans. The regulations state that the criteria relate to normal conditions of roof, face, and ribs and that abnormal conditions will require additional measures. The regulations state also that roof control plans which do not conform to these criteria may be approved, provided that the operator can show that the resultant roof conditions will not pose a hazard to the miners.

GUIDANCE FROM BUREAU HEADQUARTERS

We found that methods for approving such plans and the contents of approved plans varied significantly between the two districts that we visited. We believe that this problem is largely attributable to the Bureau headquarters' delegating the approval process to the district offices without providing sufficient guidance as to the method to be used and as to the manner in which the Department's regulations are to be applied in reviewing roof control plans.

The procedures for approval of roof control plans at the Mount Hope District Office include, in addition to evaluations of data submitted by the mine operators, visits to the mines by roof control specialists for observations of conditions and discussions with mine operators. At the Norton District Office, the approval process consisted primarily of evaluations of the content of the plans and did not include visits to the mines. At the Norton District Office, the roof control plans are either disapproved, approved tentatively, or approved fully, the approval depending upon their completeness; whereas, at the Mount Hope District Office, plans are either approved fully or disapproved.

We randomly selected and reviewed 80 roof control plans that had been submitted to the two districts that we visited. We found that plans approved at the Mount Hope district contained all the required general information and generally met the guidelines set forth in the Department's regulations. We found that, generally, plans which had been approved tentatively at the Norton district did not contain all the required general information and appeared to meet less than half of the guidelines set forth in the regulations.

In those cases in which the plans did not meet the criteria set forth in the regulations, there was no evidence that the operators had shown, as required by the Department's regulations, that resultant roof conditions would not pose a hazard to the miners. We found that the Norton District Office had fully approved a few plans that contained all the required general information and that met many, but not all, of the criteria set forth in the regulations.

We were informed by Norton District Office officials that they had not followed the criteria set forth in the Department's regulations because, on April 23, 1970, a Federal judge in Abingdon, Virginia, issued an order restraining the Bureau from enforcing the regulations. (See p. 43.) Although the Bureau may have been restrained from enforcing the regulations, we are unaware of any reason why the Bureau did not use the criteria set forth in the regulations as a guide in reviewing the roof control plans. We were advised, moreover, by officials at the Mount Hope District Office that it was their policy to use the regulations as a guide in the approval process.

Additionally we noted that, on August 7, 1970, the Assistant Secretary, Mineral Resources, made the following statement before the Subcommittee on Labor, Senate Committee on Labor and Public Welfare.

"On March 30, the Bureau of Mines began to make inspections under the new law, citing violations with reference to the March 28 regulation. On April 23, a Federal judge in Abingdon, Virginia, issued an order restraining the Bureau of Mines from enforcing the regulations, and they have not been used as a reference for citing violations since that time. They have continued to be used by Bureau of Mines inspectors, however, as a guide in determining whether or not operators are in compliance with the statutory standards, and violations of the statutory standards have been cited accordingly. Consequently, the court order restraining the Bureau from enforcing the regulations has had only a minimal effect upon the enforcement of the law."

We were informed by Norton District Office officials that, subsequent to the lifting of the injunction in November 1970, approved roof control plans would comply with all the mandatory general information requirements in the regulations, such as those providing for disclosure of names and addresses of the company, the mine, and responsible officials; the description of the type of rock above and below the coalbed; and the sequence of mining and installation of roof supports.

With respect to the other criteria set forth in the regulations governing such things as plans for installation of roof bolts to support the mine roof, types of roof bolts to be used, and recovery of coal pillars upon completion of mining activities in a given section of the mine, the Norton district took the position that they would only be included in roof control plans if district officials considered them to be necessary for specific mines.

In contrast to the approach followed by the Norton district, we were informed by Mount Hope district officials that they had required compliance with all the criteria set forth in the regulations, except when mine operators could demonstrate that noncompliance would not result in any less protection to the miners. It appears that the procedures followed by the Mount Hope district are more in line with the intent of the regulations which provide that:

"Roof control plans which do not conform to these criteria may be approved providing the operator can satisfy the District Manager that the resultant roof conditions will provide no less than the same measure of protection to the miners."

We believe that the situation described above is illustrative of the need for the Bureau headquarters to provide more guidance and direction to its district officers in approving roof control plans.

Shortage of personnel

On December 30, 1969, when the 1969 act was approved, the roof control group at the Mount Hope District Office, whose function is to review and approve roof control plans for each mine in the district—about 580 mines in November 1970—consisted of a mining engineer and a coal mine inspector. At the time of our review, the group had been increased to seven members—a supervisor, an engineer, four coal mine inspectors, and a secretary. The supervisor estimated that a total of 15 members were required to fully carry out their responsibilities under the act.

The Norton District Office roof control group, with responsibilities for about 1,365 mines in November 1970, consisted of five members at the time of our visit to the office in November 1970. The group consisted of a supervisor, a mining engineer, and three coal mine inspectors. The Assistant District Manager estimated that the roof control group would be increased to 32 members by January 1, 1972.

On the basis of the number of roof control plans which the roof control groups in these two districts have been able to approve since the effective date of the act, it is obvious that neither district has had sufficient staff devoted to this activity to enable them to comply with the requirements for approval of roof control plans set forth in the act.

Informing mine operators of requirements

Both districts conducted meetings to inform members of the coal mine industry about the requirements of the act. We were advised that provisions of the act also had been discussed with operators on an individual basis. We were informed at the Mount Hope District Office that most of the meetings had consisted of a brief presentation on each functional area of the act, followed by a question and answer period. No written material concerning implementation procedures was provided. District officials told us that the meetings had been publicized highly but that they had no assurance that all mine operators had been contacted concerning the new act. We were told that some of the larger meetings, such as the one held in Beckley, West Virginia, had attracted 600 to 800 people.

Additional notice was provided to the mine operators on March 28, 1970, when the Department published its regulations, which included the requirements for roof control plans, in the Federal Register and stated that such plans should be filed with the appropriate district manager by April 20, 1970.

Although the Bureau made an effort to inform mine operators of the requirements

for submitting roof control plans, there is no assurance that all operators had knowledge of these requirements. District office officials advised us that some operators, especially small operators, had not submitted roof control plans because they had been unaware of the requirement to do so.

In July 1970 Mount Hope officials contacted the mine operators who had not submitted plans and requested them to do so. Except for reminders to the operators concerning the need to submit roof control plans at such times as Bureau inspectors made inspections at individual mines, no specific efforts to inform the mine operators to submit the plans were made by either of the districts that we visited until early in December 1970. On December 3 Bureau headquarters directed all district offices who had not submitted plans. Thus the Bureau now appears to be making an effort to obtain the required plans.

Ventilation plans

The ventilation system and methane and dust control plan (ventilation plan) includes a map of the mine and shows (1) the type and location of ventilation equipment and regulators installed in the mine, (2) the quantity and direction of air flow in the mine, and (3) the methane and dust control practices employed in the mine. The act required mine operators to submit, and the Bureau to approve, such a plan for each mine by June 28, 1970. Our review showed that no ventilation plans had been approved by the required date.

The schedule below shows the number of plans submitted to, and approved by, the two districts at which we made our review.

District and date	Approximate number required	Number of plans submitted	Number of plans approved	Percent of required plans approved
Mount Hope:				
June 28, 1970	580	120		
Dec. 7, 1970	580	365	41	7
Norton:				
June 28, 1970	1,365	28		
Dec. 7, 1970	1,365	227	144	11

Department regulations for ventilation plans list general information to be included in the plans and criteria by which the district managers should be guided in approving the plans.

Guidance from Bureau headquarters

Department regulations do not establish the procedures for approving the plans, and little guidance has been furnished otherwise to the districts by Bureau headquarters. We found that the methods for approving the plans and the content of the plans varied significantly between the two districts that we visited.

At the Mount Hope district, the approval process includes visits to the mines by members of the district's ventilation group who observe the conditions of the mines and advise the mine operators of any revisions necessary to make the plans acceptable.

At the Norton district, the approval process is based on the content of the plans and does not include visits to the mines.

We randomly selected and reviewed 18 ventilation plans to determine the content of the plans at the two districts that we visited.

As was the case with roof control plans, ventilation plans submitted to, and approved by, the Mount Hope district contained virtually all the provisions required by the regulations, whereas ventilation plans approved by the Norton district contained about half of the provisions. Unlike the Norton district's practice of tentatively or fully approving roof control plans on the basis of the completeness of such plans, however, all ventilation plans were approved fully.

The provisions to which most of the plans approved by the Norton district did not conform related to (1) limits of the mine property, (2) oil and gas wells, (3) abnormal conditions or faults, (4) velocity of air, (5) entry height, (6) abandoned or pillared areas, (7) auxiliary fans, and (8) bleeder systems. Norton officials agreed that ventilation plans which contained very little information had been approved. These officials informed us that, in their opinions, any plan was better than no plan at all and that the inadequate plans would be improved during the 6-month review process. As mentioned previously, neither district had begun the review process because of the backlog of initial approvals.

Norton district officials advised us that another reason that the plans had not contained more of the required information was because all regulations issued before November 20, 1970, were considered unenforceable because of a district court injunction. (See p. 43.)

We were informed by Norton district officials that, subsequent to the lifting of the injunction in November 1970, approved ventilation plans would contain all the information which the regulations required the operators to submit, such as that information disclosing the methane and dust control practices followed and showing air quantities and velocities in the ventilation systems used.

Other criteria for approval of ventilation systems set forth in the regulations govern such things as the arrangement of the ventilation system in mines using multiple main fans to prevent the accidental reversal of the air flow in case a ventilating fan fails and the methods and materials for constructing permanent partitions to direct the flow of air. The Norton district took the position that these criteria would be included in ventilation plans only if district officials considered them to be necessary for specific mines.

In contrast to the approach followed by the Norton district, we were informed by Mount Hope district officials that they required compliance with all the criteria set forth in the regulations except when mine operators could demonstrate that noncompliance would not result in any less protection to the miners. It appears that the procedures followed by the Mount Hope district are more in line with the intent of the regulations which provide that:

"A ventilation system and dust control plan not conforming to these criteria may be approved, providing the operator can satisfy the District Manager that the results of such ventilation system and dust control plan will provide no less than the same measure of protection to the miners."

In our opinion, the above differences in the review and approval processes and in the content of plans between the two districts that we visited are additional indications that district offices need more specific guidance from Bureau headquarters.

Mount Hope and Norton district officials informed us that the ventilation plans had not been submitted and approved as required because (1) mine operators lacked the capabilities to prepare the plans and needed assistance from the Bureau; (2) mine operators were confused about what the plans were required to contain, especially since the injunction was obtained against the regulations; and (3) the districts lacked adequate personnel to assist operators and to review and approve plans.

Shortage of personnel

The ventilation group at the Mount Hope District Office was set up in April 1970 with three members—a supervisor, a mining engineer, and a coal mine inspector. The group is responsible for reviewing and approving ventilation plans for all mines in the district—about 580 mines in November 1970. At the time of our visit to the Mount Hope District Office in November 1970, the group had been increased to eight members—a supervisor, five engineers, a trainee, and a coal mine inspector. The supervisor estimates that a total of 30 members will be required to fully carry out the group's responsibilities under the act.

The ventilation group at the Norton district was set up in July 1970 with one member—a ventilation engineer. The group is responsible for approving ventilation plans for about 1,365 mines. At the time of our review, the group still consisted of only the ventilation engineer. A district official estimates that a total of 11 members are needed in the district and field offices.

On the basis of the number of ventilation plans which the ventilation groups in these two districts have been able to approve since the effective date of the act, it is obvious that neither district has had sufficient staff devoted to this activity to enable them to comply with the requirements for approval of ventilation plans set forth in the act.

Informing mine operators of requirements

The efforts made to inform members of the coal mine industry of the requirements of the act were discussed on page 28.

We found that, in August 1970, Mount Hope district personnel contacted mines which had not submitted plans and requested them to do so. No special effort, other than reminders of the need to submit such plans when inspectors visited individual mines to make inspections, was made by the Norton district.

On December 3, 1970, Bureau headquarters in Washington sent a directive to the districts to immediately issue notices of violation to mine operators who had not submitted the plans for approval. It appears that the Bureau is now making a more concerted effort to obtain the required plans.

Fan-Stoppage Plans

The act required mine operators to submit, and the Bureau to approve, fan-stoppage plans for each underground coal mine by May 29, 1970. The plan describes steps to be followed in the event that a fan used for ventilating the mine stops for any reason. Approved plans are to be posted on the mine bulletin board so that miners will be aware of specific procedures to be followed in case of fan stoppage.

The act states that the plan is to provide for immediate action by the operator to (1) withdraw all persons from the working sections, (2) cut off the power in the mine on a timely basis, (3) provide or restoring power and resuming work if ventilation is restored within a reasonable period of time, and (4) provide for withdrawing all persons from the mine if ventilation cannot be restored within a reasonable period of time. The Department regulations published in the Federal Register on March 28, 1970, define the reasonable period of time as not more than 15 minutes.

The schedule below shows the number of plans submitted to, and approved by, the two districts at which we made our review.

District and date	Estimated number required	Number of plans submitted	Number of plans approved	Percent of required plans approved
Mount Hope:				
May 29, 1970	580	180	78	13
Dec. 31, 1970	580	448	352	61
Norton:				
May 29, 1970	1,365	150	150	11
Dec. 7, 1970	1,365	500	500	37

Reasons given by district officials for operators not submitting plans as required were much the same as the reasons given for not submitting roof control plans. We were informed that plans had not been submitted as required because some operators (1) were

unaware of the requirement or (2) were reluctant to comply with the provisions.

We found that, although many of the required plans had not been submitted at the time of our review, the two districts had done little to induce operators to submit the plans. In August 1970 the Mount Hope district contacted mines which had not submitted plans and requested them to do so; however, the Norton district had made no follow-up effort as of the time of our review.

Although the act and the Department regulations were specific as to what the plans should contain, we found that the Bureau had established no written procedures for reviewing plans. The methods for reviewing the plans and the contents of the plans differed in the two districts that we visited.

At the Mount Hope district, plans are reviewed for conformity with the required items. Plans which do not contain all required items are disapproved and returned to the operator, specifying what additional information is needed. In the Norton district, plans received are amended by district officials to include the specific criteria required by the act and the regulations and are returned to the operator approved as amended.

We reviewed a total of 24 plans in the two districts to determine the contents of the plans. Plans approved in the Mount Hope district contained all required items; however, several plans amended and approved by the Norton district did not. For example, one such plan at the Norton district did not show a reasonable time for restoring ventilation, and another plan did not provide for the immediate withdrawal of all persons from the working sections.

Norton officials advised us that plans which did not contain all the required items had been approved erroneously. They advised us that all approved plans would be reviewed and that those that were deficient would be revised to include all necessary requirements.

Listings of Electric Equipment

The act required each mine operator to file with the Bureau's district offices by May 30, 1970, a listing of all electric equipment in use in areas where coal actually was being mined. The listing is required to show, among other things, whether the equipment is rated permissible and is maintained in permissible condition or whether it is nonpermissible. Permissible equipment is equipment which meets specifications prescribed by the Bureau to prevent the equipment from causing a mine fire or a mine explosion.

We have been advised by district office officials that the listings can be used for the following purposes.

Information showing the amount of nonpermissible equipment used in industry will be helpful in determining how much permissible equipment will be needed in the future to comply with the act.

The listings can be used in evaluating the reasonableness of applications that may be filed in the future by mine operators for extensions of time for using nonpermissible equipment.

The listings can assist inspectors by showing what equipment must be maintained in permissible condition.

We were told by an official of the Bureau's Health and Safety Technical Support Center in Denver that the Bureau had no reliable records of the mines which had submitted the listings; however, on the basis of rough estimates furnished by the Bureau, it appeared that about 44 percent of the mine operators in the two districts that we visited had filed the required listings as of December 31, 1970.

We were informed that neither of the districts had made an effort to contact mine operators but that operators who had not submitted the listings had been sent letters, reminding them of the need to submit such listings, by Bureau headquarters during the last week in November 1970.

We noted that, as of December 31, 1970, only 15 notices of violation had been issued for not submitting the required listings in the two districts that we visited.

Conclusions

During the first year since the enactment of the Federal Coal Mine Health and Safety Act of 1969, some progress has been made in implementing the provisions requiring a prescribed number of coal mine inspections, the institution of a respirable-dust-sampling program, and the approval of plans for roof control, ventilation, and fan stoppage.

Much remains to be done, however, to achieve full compliance with these provisions of the act. Although we recognize that the passage of the 1969 act has greatly expanded the responsibilities of the Department of the Interior and the Bureau of Mines and that there are significant problems in complying with its requirements, we believe that the Department and the Bureau can do more to achieve a greater degree of compliance.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Consider hiring and training persons with lower qualifications than those of regular coal mine inspectors to specialize in health inspections and to thereby free more regular inspectors to make the more complicated safety inspections, if the Bureau is unable to hire the necessary more highly qualified regular inspectors.

Require the district offices to monitor the respirable-dust-sampling activities which the mine operators must perform to determine whether the concentration of such dust is within the limits prescribed by the health standards and to assist the mine operators in overcoming problems in their sampling operations.

Require Federal coal mine inspectors to review the adequacy of safety inspections made by employees of mine operators and to cite violations where adequate inspections are not made or where mine operators fail to take actions to abate hazardous conditions found by their inspectors. If, in evaluating the adequacy of the operator's inspection, the Bureau inspector finds that the operator's inspection was inadequate because of differences between interpretations of the safety standard, the Bureau should consult with the mine operator to resolve these differences.

Provide additional guidance and direction to the district offices with respect to information which roof control and ventilation plans are required to contain and the methods to be used in reviewing such plans.

Intensify the efforts of the Bureau to recruit qualified persons to review and approve roof control plans and ventilation plans.

Increase the Bureau's efforts to obtain compliance with the health and safety requirements of the act by assessing appropriate penalties to mine operators who fail to submit required plans, initiate and carry out required health and safety programs, or otherwise violate the requirements of the act.

In commenting on our draft report for the Department of the Interior, the Director of Survey and Review, in a letter dated March 29, 1971 (see app. II), stated that the report was an objective appraisal of the Bureau of Mines' efforts to implement the act within the period of time covered by the report and that, with one exception, actions responsive to our recommendations had been initiated or planned. The Director did not indicate what specific actions and plans were initiated or formulated.

The Department disagreed with our proposal that consideration be given to hiring people with lower qualifications than those of regular coal mine inspectors to specialize in health inspections. The principal reasons given by the Department for disagreeing with our proposal follow.

The Bureau expects to recruit, by June 30, the required minimum number of personnel to make all the inspections required by the act.

The Bureau is currently using inspector-trainees and technicians to assist in both health and safety inspections and will continue to do this to the extent that it can be done without reducing the quality of the inspections.

All inspectors should be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law in both respects at all times that they are in the mines.

We agree with the Department of the Interior that it is desirable that all inspectors be capable of enforcing both health and safety standards and of advising operators of changes needed for compliance with the law. We believe, however, that, if the Bureau experiences any serious difficulty in meeting its recruitment goals for regular coal mine inspectors, the Department should give further consideration to the possibility of hiring less qualified persons to make health inspections.

CHAPTER 3. NEED FOR CLEAR AND STRICT ENFORCEMENT POLICY

Since the act became effective, Bureau of Mines inspectors have made many inspections, cited mine operators for many violations during their inspections, and required operators to abate the specific violations cited. When the inspectors made subsequent inspections of these mines, numerous new violations were cited and, in many instances, the violations were the same type that previously had been cited and abated. Thus in many instances mine operators have not taken the actions necessary to ensure full compliance with the prescribed health and safety standards.

We believe that the aforementioned situation is attributable, at least in part, to the Department's policies for enforcing health and safety standards, which in our opinion have not been as effective as desirable and which at times have been confusing, uncertain, and inequitable.

The Federal Coal Mine Health and Safety Act of 1969 requires coal mine operators and miners to comply with prescribed health and safety standards. It requires representatives of the Secretary of the Interior to make inspections and investigations in coal mines to determine, among other things, whether there is compliance with these mandatory health and safety standards, and it specifically provides for certain enforcement actions to be taken by the inspectors when violations are found.

The existence of any condition or practice in a coal mine that reasonably can be expected to cause death or serious physical harm before such condition or practice can be abated is considered an imminent danger.

If an inspector finds such a condition or practice, he must issue an order withdrawing the miners from the mine or from the affected part of the mine. If the violation has not created an imminent danger, he is required to cite the mine operator for the violation and to allow the violator a reasonable time to abate the violation. If the violation is not abated by the end of that period and if the inspector does not find that the period should be extended, he is required to order a withdrawal of all workers from the area affected by the violation.

If an inspector finds a violation of a standard which does not cause an imminent danger but which could contribute sig-

nificantly to any mine hazard and if he finds that the violation is due to an unwarrantable failure of the operator to comply with the standards, the inspector is required to issue a notice of his findings to the operator.

If, during the same inspection or any inspection within 90 days after issuance of the notice, an inspector finds another violation which is also due to a unwarrantable failure to comply, he must order the miners withdrawn from the mine. Once a withdrawal order has been issued for an unwarrantable failure, the inspector on subsequent inspections must issue additional withdrawal orders until no similar violations are disclosed.

The act authorizes the Secretary of the Interior to assess civil penalties against coal mine operators for violations of health and safety standards and against any miner who violates the mandatory safety standards reteting to smoking or the carrying of smoking materials underground. Criminal penalties also are provided for willful violations of health and safety standards.

The manner in which the Department has implemented its enforcement powers under the act is discussed in the following sections.

Changes in enforcement policy

On March 28, 1970, the Secretary of the Interior published in the Federal Register extensive coal mine safety regulations for implementing and supplementing the interim standards provided in the act. In addition, the Federal Register contained the Department regulations which described the organization, function, and procedures—including procedures for assessing penalties—of the Board of Mine Operations Appeals in the Department of the Interior.

The procedures provided that, when a Bureau inspector issued a notice of violation, the mine operator or miner could make a penalty payment in accordance with a schedule included in the regulations. If payment was not received within 30 days after receipt of the notice of violation by the mine operator or miner, the procedures provided that proceedings for the assessment of penalties would be initiated upon the Bureau's filing a copy of the notice of violation with the Board. In determining the amount of penalty, the procedures provided that the Board would disregard the penalty schedule contained in the Department's regulations and would assess the penalty after considering certain factors specified in the act.

On March 30, 1970, the Bureau began to make inspections under the new law and cited violations in accordance with the Department's March 28, 1970, regulations.

The U.S. District Court for the Western District of Virginia at Abingdon issued a temporary restraining order on April 23, 1970, relating to the Department's enforcement policy. The court order, as subsequently modified on April 30, 1970, restrained the Secretary of the Interior from:

Enforcing the Department's safety regulations published in the March 28, 1970, Federal Register.

Assessing penalties and accepting payment in accordance with the penalty schedule published in the March 28, 1970, Federal Register.

Enforcing the safety standards of the act to the extent that violations could not be abated because of the lack of technology; the unavailability of certified, registered, or qualified personnel; or the unavailability of materials or equipment.

The court pointed out, however, that nothing in its order should restrain the Department from enforcing by any level means—fines, penalties, or closure—the correction of any condition which would result in imminent danger to persons working in the mines. Additionally, the court order did not prohibit the Secretary from:,

Enforcing the safety standards of the act to the extent that operators were not prevented from compliance because of the lack of technology; the unavailability of certified, registered, or qualified personnel; or the unavailability of materials or equipment.

Enforcing health standards of the act and Department regulations.

Initiating proceedings with the Board of Mine Operations Appeals for the assessment of penalties.

On May 7, 1970, the Department published in the Federal Register a revision to the penalty schedule set out in its regulations on March 28, 1970. (See p. 50.)

On April 24, 1970; May 1, 1970; and May 22, 1970, a Bureau headquarters official issued instructions to the district offices to be followed during the period of the temporary restraining order for inspection and enforcement of the act and departmental regulations. The May 22, 1970, instructions, however, made no reference to the May 7, 1970, revised penalty schedule.

The May 22, 1970, instructions, which rescinded the instructions issued on April 24 and May 1, basically provided that mines be inspected only for compliance with the safety standards of the act and that notices of violation and orders of withdrawal be issued where necessary. The instructions provided, however, that, where violations could not be abated because of the lack of technology; the unavailability of certified, registered, or qualified personnel; or the unavailability of required equipment or materials, an informational, rather than a violation, notice be issued to the violator advising him of the violation and that no penalty be assessed. The instructions provided that, in these instances, no time be set for abatement of the violation.

The instructions provided that the following notation be added to violation notices and withdrawal orders subsequently issued.

"A civil penalty will be assessed pursuant to Section 109 of the Act."

The instructions provided, however, that, until revised procedures for the assessment of civil penalties could be established, notices and orders not be filed with the Board of Mine Operations Appeals for the assessment of civil penalties under the act. This instruction continued in effect until November 1970.

On November 4, 1970, the Deputy Director, Health and Safety, advised the district managers that the Department would begin immediately to institute proceedings for assessment of civil penalties under the act for orders of withdrawal and that procedures for assessment of penalties would be announced soon.

On November 11, 1970, the court's restraining order was dissolved. On the basis of this action, the Bureau headquarters issued the following instructions to its district managers.

"1. Safety inspections are to be made only under the statutory provisions of the Federal Coal Mine Health and Safety Act of 1969, and notices of violation are to be issued for each violation of the statutory provisions.

"2. Informational notices or warnings shall no longer be issued.

"3. Where the violation exists because of lack of technology, or the unavailability of equipment, personnel, or material at the time of the inspection, the notice shall contain a determination that the operator was not at fault. The basis for this determination shall be documented on the notice.

"4. The notice of penalty form is not to be used. No schedule of penalty is presently in effect, and you are authorized to inform the operator orally that his liability for a penalty will be determined when the Department announces its policy for assessment of penalties.

"5. The policy for issuance of closure orders remains unchanged.

"6. Upon issuance of new regulations and the establishment of an assessment policy, further instructions will be issued."

On November 18, 1970, the Department published in the Federal Register an amendment to its enforcement regulations, deleting the penalty schedule. On November 19, 1970; a Bureau headquarters official advised the district offices that, during inspections subsequent to November 11, 1970, notices of violations should be issued when it was found that a violation still existed that had been cited previously on an informational notice. Additionally, the instructions provided that, if the specified time for abating a violation was extended, the particular reasons for the extension should be specified.

On January 16, 1971, the Department published in the Federal Register amended procedures for assessing civil penalties. The regulations which set forth the guidelines for assessment of penalties included a schedule showing a range of dollar amounts of various types of penalties. (See p. 53.)

Recurring violations

In August 1970 the Assistant Secretary, Mineral Resources, informed the Subcommittee on Labor, Senate Committee on Labor and Public Welfare, of the progress being made to implement the Federal Coal Mine Health and Safety Act of 1969. The Assistant Secretary stated that:

"The Bureau has cited more than 13,000 violations of the safety standards in the law and has required, or is requiring, all of these violations to be abated in a reasonable time, but it has been necessary for the Bureau to issue withdrawal orders in only 179 mines—120 for imminent danger and 59 for failure to abate a violation in a reasonable time. Generally, the conditions cited in these orders have subsequently been abated rather quickly after the orders were issued to permit the mines to reopen."

Although the unsafe conditions noted by the Bureau inspectors might have been quickly abated, our analysis of subsequent inspection reports indicated that, when the Federal inspectors returned to mines previously inspected, they often had found many violations of health and safety standards, including violations of the same standards previously cited. To achieve the objectives of the health and safety standards, the Bureau should require mine operators to take the necessary actions to ensure compliance with such standards on a day-to-day basis.

To determine the extent of implementation of the safety standards of the act, we examined 438 inspection reports for 16 mines in each district which the Bureau had classified as hazardous. We found that violations had been cited on 366 of these inspections. More importantly, 261 of the inspections found violations which had been cited at least once on a prior inspection. Although action apparently had been taken to correct the original deficiency, action was not taken to preclude its recurrence. In some cases the violations were reported time and again.

For example, of the 16 hazardous mines in the Norton district for which we reviewed inspection reports, 12 had repeated violations involving excessive accumulations of combustible materials and inadequate rock dusting, which are especially dangerous conditions in mines. The operator of one mine was cited for excessive accumulations of combustible materials in nine of 20 inspections.

In the Mount Hope district, we found that violations for excessive accumulation of combustible material and inadequate rock dusting were cited repeatedly in 15 of the 16 mines. The operator of one mine was cited for excessive accumulations of combustible materials on 13 of 15 inspections, including eight consecutive weekly inspections. Of 963 violations cited at the 32 mines, nearly 560, or over half, were repeat violations. About 230 of the violations involved excessive accumulations of combustible materials or inadequate rock dusting.

At the Mount Hope district, our test of 16 hazardous mines showed that, from July 14 through November 23, 1970, only 17 with-

drawal orders for imminent danger had been issued closing single sections of mines for from 1 to 16 days; an average closing was for about 3 days. In nine of the withdrawal orders, the section was closed 1 day or less. At Norton, from May 28 through November 16, 1970, 10 withdrawal orders were issued closing single sections of mines for from 1 to 3 days. Nine of the withdrawal orders were for periods of 1 day or less.

Our review of the inspection reports on 32 hazardous mines showed that, despite the fact that 58 percent of the violations cited in the reports were repeat violations, the Mount Hope district had issued no notices for unwarrantable failure to comply with the act and no withdrawal orders on that basis and that the Norton district had issued 11 such notices and three withdrawal orders.

The Assistant District Manager of the Mount Hope district told us that the reason for not issuing notices and withdrawal orders was to give mine operators time to become familiar with the act. He stated that, had the provision of the act relating to unwarrantable failure by operators to comply with the act been enforced from the beginning, very few mines could have remained open. He agreed, however, that enforcement of this provision would increase the effectiveness of the act.

We believe that it would have been especially appropriate for the Bureau to have made greater use of the authority to close mines for unwarrantable failure to comply with the act during the period that the Secretary was restrained from assessing penalties on the basis of a penalty schedule.

Amendment to penalty schedule in May 1970

Despite the court order on April 30, 1970, specifically restraining the Department from assessing penalties and from accepting payments in accordance with the penalty schedule of payments set forth in its regulations, the Department on May 7, 1970, amended its penalty schedule by reducing the penalties for initial violations occurring between March 30, 1970, and September 30, 1970. The Department accepted payments made voluntarily by mine operators, which were based on either the March 28, 1970, or the May 7, 1970, penalty schedule.

The amounts of payments for initial violations were reduced to one twenty-fifth of the former amounts, as shown below.

Nature of violation	Amounts of penalties	
	Mar. 28, 1970, Federal Register	May 7, 1970, Federal Register
Violation or violations resulting in imminent danger	$500	$20
Violations caused by unwarrantable failure to comply with the act	100	4
All other violations	25	1

Under the amended penalty schedule, serious violations of the act relating to such matters as deficiencies in roof support, excessive accumulation of coal dust, and electrical and ventilation deficiencies would result in penalties to the operators of only $1 for each violation, provided that the inspector did not determine that such violations had caused an imminent danger to the miners or that the violations had been caused by unwarrantable failures to comply with the act, in which case the penalty would be $20 or $4, respectively.

We do not believe that such token penalties for violations of the act where unavailability of equipment or personnel was not a problem in abatement reasonably could have been expected to induce mine operators to comply with the act.

We discussed this amendment with Department and Bureau officials; however, they could not explain the reason for its issuance in view of the court's order against the use of a penalty schedule for assessing and collecting penalties. After the penalty schedule was revised, 13 companies paid a total of $519 for 519 violations issued from April 8, 1970, through November 5, 1970. On the other hand, 64 companies, apparently using the March 28, 1970, schedule, paid a total of $16,875 for 656 violations issued between March 30, 1970, and June 25, 1970.

Although the Secretary was restrained from assessing and collecting penalties under the March 28, 1970, penalty schedule, the Bureau accepted payments made voluntarily by the mine operators on the basis of violations cited.

The confusion and inequity resulting from the amended penalty schedule can be seen from the facts that some mine operators made payments based on the more lenient amended schedule and others made payments based on the original schedule.

For example, one operator submitted a check for $35 at the end of September 1970 for 35 violations cited from April 8, 1970, to April 22, 1970, apparently using the amended schedule. In another instance an operator, apparently using the original penalty schedule, submitted a check for $775 in payment of 31 violations cited from April 13, 1970, to April 28, 1970. In still another instance an operator made payment in the amount of $125 for five violations cited on June 25, 1970, apparently using the original penalty schedule, even though the revised schedule has been published on May 7, 1970.

Suspension of assessment of fines

During the period April 30, 1970, to November 11, 1970, the Department was restrained from assessing and collecting penalties by use of a penalty schedule. Nothing in the restraining order, however, precluded assessment of penalties by the Board of Mine Operations Appeals of the Department of the Interior. We were advised by Department officials that, during the period April 30, 1970, to November 11, 1970, no penalties had been assessed by the Board, even though thousands of violations had been cited by the Bureau inspectors during this period.

On November 18, 1970, the Department revised its regulations to delete the penalty schedule. The amended regulations provided that the assessment of penalties be initiated upon the Bureau's filing with the Board a copy of the notice of violation or an order of withdrawal. The Board is required to give notice of the filing to the mine operator, and the mine operator is required to file an answer, setting forth his position, within 20 days after the date of service of such notice.

The regulations provide that, in determining the amount of penalty to be assessed against an operator, the Board consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, whether the operator has been negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation. The Board is authorized to conduct hearings in making its determination of the penalty to be assesed against an operator.

We were advised by Department attorneys that, late in calendar year 1970, the Bureau had initiated approximately 60 proceedings to assess penalties against mine operators under the above procedures. Hearings reportedly were conducted in only one of these cases. The Department attorneys stated that these proceedings proved very time-consuming and, at times, required the presence of Bureau inspectors, which interfered with and reduced the time that they were available for inspecting mines. They further stated that, if an operator exhausted all appeals of the Board's decision available to him, as much as 5 years might be required to resolve one case.

The Board issued an order on February 1, 1971, to suspend the approximately 60 penalty assessment proceedings pending before it, to permit the Bureau's Assessment Officer to determine the liability of the operators for civil penalties and the amounts of penalties to be proposed in accordance with regulations promulgated by the Secretary on January 16, 1971. Even though the Department had been considering the revision of its procedures for assessing penalties before the district court dissolved its restraining order on November 11, 1970, over 2 months had passed before the revised regulations were published.

Current assessment procedures

The Department's amendments to the procedures for assessment of penalties were published in the Federal Register on January 16, 1971. These procedures provide, in part, that:

"Each Notice of Violation and Order of Withdrawal issued on or after March 30, 1970, will be reviewed by an Assessment Officer who is appointed by and responsible to the Director, Bureau of Mines, to determine the liability of operator or miner for a civil penalty and the amount of penalty to be proposed.

"Each proposed assessment shall be made after taking into consideration (1) the operator's history of previous violations, (2) the appropriateness of the penalty to the size of the operator's business, (3) whether the operator was negligent, (4) the effect on the operator's ability to continue in business, (5) the gravity of the violation, and (6) the demonstrated good faith of the operator in attempting to achieve rapid compliance after notification of violation.

"The amount of the civil penalty proposed shall be within guidelines established by the Secretary * * * and revised periodically in the light of experience gained under the Act, except that a particular violation may warrant proposing a civil penalty in an amount more than or less than the range set forth in the guidelines."

The Assessment Officer is assessing proposed penalties for all violations and withdrawal orders which have been cited since May 1, 1970, for which no payment has been received. As of February 19, 1971, the Bureau had mailed 584 proposed orders of assessment, totaling over $1 million, for 9,465 violations to mine operators in three States.

The Assessment Officer has established his own schedule for assessing these penalties. The amounts in the Assessment Officer's schedule are generally less than those in the guideline for assessment of penalties set forth in the Department's regulations which became effective January 16, 1971, but they are more than those in the Department's March 28, 1970, regulations.

The penalty schedule used by the Assessment Officer gives little or no consideration to most of the six factors which are set forth in the regulations quoted above as well as in the act. For example, the amounts of penalties in his schedule do not take into consideration the effect that such penalties will have on the operator's ability to continue in business, the demonstrated good faith of the operator to achieve rapid compliance, whether the operator has been negligent, or the operator's history of previous violations.

With regard to the operator's history of previous violations, we have been advised by the Assessment Officer that this factor is not being considered now because the period March 30, 1970, to April 1, 1971, is being considered as an educational period for the operators to become familiar with all the provisions of the act. The history of an operator will be considered on the basis of his compliance after the initial assessment for violations committed after April 1, 1971—1 year after the safety standards became effective under the act.

The Assessment Officer stated that assessment of penalties was not being proposed for violations issued between March 30 and April 30, 1970, because these violations cited the regulations issued in the Federal Register of March 28, 1970, which the April 30, 1970, court order restrained the Department from enforcing. This restraining order, however, subsequently was dissolved. We see no valid reason for distinguishing between violations cited prior to the restraining order and those cited afterward, except for those violations cited prior to the restraining order which could not have been avoided because of the unavailability of equipment, material, personnel, or technology.

Conclusions

We believe that the Bureau's enforcement practices were not as effective as they could have been in inducing mine operators to take the necessary actions to ensure full compliance with the act. In this regard we believe that the Bureau should assess sufficiently large penalties to provide this inducement and should exercise greater use of its authority to issue withdrawal orders against mine operators who repeatedly fail to comply with the act. We believe that mine operators have had sufficient time to become familiar with all the requirements of the act and that the operators' history of previous violations should be considered in establishing the amounts of the penalties.

We believe that, contrary to past practices, the Department should apply its enforcement policy uniformly and equitably to all mine operators who do not comply with the act.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Consider, in establishing the amounts of penalties, the factors required by the act, such as the operators' history of previous violations.

Exercise greater use of the authority to close mines when operators repeatedly violate the act.

The Department of the Interior has stated that plans have been formulated or actions have been initiated that are responsive to the recommendations set forth above. (See app. II.)

CHAPTER 4.—NONCOMPLIANCE WITH LAW DUE TO SHORTAGES OF EQUIPMENT

Shortages of certain types of equipment have been cited as a major cause of noncompliance with various health and safety requirements of the act. As previously discussed, the April 1970 injunction against the implementation of the Department's safety regulations was granted partly because some of the equipment and technology necessary to implement the act were not available.

Bureau headquarters notified the district offices on April 24, May 1, and May 22, 1970, of the procedures to be followed when violations existed because equipment was not available. Bureau headquarters stated that, when such conditions were found, the operator was to be informed of the condition in writing but that notices of violation and penalty were not to be issued. The two districts that we visited implemented such procedures, but the determination of whether necessary equipment was available was left to the judgment of the inspectors.

Certain equipment shortages, although less of a problem now than when the act was passed, continued to preclude operators from complying with certain requirements. We found that some of these problems might be solved if the Bureau required operators to substitute equipment which was readily available for equipment which was not readily available. We found also that the Bureau apparently had contributed to the earlier equipment shortage by overbuying respirable-dust-sampling equipment and thus unnecessarily had reduced the quantities of such equipment available for purchase by mine operators.

Availability of equipment

We were informed by district officials at the two districts visited that numerous items of equipment necessary to comply with the requirements of the act were in short supply. They also informed us that some necessary equipment, such as automatic brakes, had not yet been developed.

On June 2, 1970, the Norton district prepared a listing of 23 equipment items which were either unavailable or in short supply; this shortage precluded full enforcement of various requirements of the act. The listing included items of equipment, such as personal sampling devices for respirable dust, methane monitors, automatic circuit breakers, flame-resistant trailing cables, fire protection devices (deluge water sprays and foam generators), automatic brakes or speed reduction gears, and self-rescuers (1-hour type).

At the two districts that we visited, we reviewed a total of 63 reports of regular inspections made in September 1970 to determine what types of required equipment were not available.

We found that 46 of the 63 reports contained violations of various provisions of the act which were attributed to the unavailability or short supply of equipment. These 46 reports indicated that there was a total of 168 violations involving 19 different items of equipment. The types of equipment cited most often as being in short supply were (1) respirable-dust-sampling equipment—cited in 33 reports, (2) self-rescuers—cited in 30 reports, (3) automatic circuit breakers—cited in 19 reports, and (4) sanitary toilet facilities—cited in 16 reports.

On October 1, 1970, the Assistant Director for Coal Mine Health and Safety advised the district managers that there had been considerable inconsistency in the way that inspectors determined whether necessary equipment was available. He stated that:

"* * * Effective immediately, concrete evidence of unavailability of equipment, such as purchase orders or requisitions, must be shown by the operator as proof of unavailability. Further, evidence must be shown that an effort has been made to purchase such equipment from more than one supplier, if more than one supplier exists."

In November 1970 the Bureau revised its policy regarding the issuance of notices of violations that were attributable to equipment shortages. Rather than issue informational-type violation notices in these situations, the inspectors were instructed to issue regular violation notices. These notices gave the operator a specified amount of time to obtain the equipment. If such violations were not abated within the time specified and if no extension was granted, the inspectors were required to issue a withdrawal order.

A December 15, 1970, memorandum from Bureau headquarters instructed district personnel that, on the basis of a survey of the availability of ground-check monitors (electrical equipment) needed for compliance with the act, it appeared that production of such equipment would not be expedited without assurance of firm orders.

The memorandum then directed that no additional extensions of time would be granted for compliance with the applicable sections of the act requiring ground-check monitors and that notices of violation were to be issued, with a determination of no fault due to unavailability, when it was determined during an inspection that such equipment was not in use. A notice issued for a violation where there is a determination of no fault due to unavailability of equipment does not subject the operator to having a penalty assessed against him for such violation.

A copy of the survey that had been performed of the availability of ground-check monitors was enclosed with the Bureau headquarters December 15, 1970, memorandum to the district offices. Although the survey showed the approximate quantities that suppliers had indicated would be available in December 1970 and March 1971, the memorandum did not specify, as a guide to the inspectors, the approximate time required to obtain this equipment.

We were advised by Bureau headquarters officials that no overall studies had been made regarding the availability of all types of equipment required for compliance with the act and the normal lead time required for obtaining equipment in short supply. We were advised that the establishment of a reasonable time to abate a particular violation was the responsibility of the various inspectors because of their personal knowledge of equipment availability.

Interchangeable equipment

To determine whether shortages in the supply of equipment were valid bases for noncompliance with some requirements of the act, we contacted several suppliers and discussed the availability of equipment.

We were informed by one supplier that a particular brand of circuit breakers was in short supply and that the outlook for an increased supply in the near future was not good. The supplier stated that he had been unsuccessful in having the supply increased by contacting the manufacturer. This supplier had several unfilled orders which he had received from mine operators as early as April 1970. Delivery dates to these operators for the circuit breakers had been extended several times, and, at the time of our contact, the expected delivery date was April 2, 1971.

We also contacted a supplier of another brand of circuit breakers and found that these items were available with little or no lead time. We discussed with the supplier of the brand of circuit breakers which was available and with the head of the electrical group at the Mount Hope district the possibility of interchanging the two brands of circuit breakers.

We were informed that the two brands of circuit breakers usually could be interchanged with only minor modifications that were necessary because of differences in sizes and shapes. We were informed also that, when one brand (the brand which was available) was used, it must be enclosed in a molded casing to meet Bureau standards, whereas the other brand was manufactured in accordance with the standards. The district official estimated the cost of such a modification at about $60. The purchase prices for the most commonly used models of the brand which is in short supply range from about $170 to $250, and comparable models of the available brand range from about $150 to $200.

Mount Hope district officials informed us that no decision had been made as to whether, as a general policy, they should require operators to substitute one brand or type of available equipment for a brand or type that was not available. The Mount Hope district manager agreed that the possibility of substituting other items of available equipment should be examined. We were also informed that the Bureau might establish a policy regarding this matter in the near future.

Although our limited inquiry into this matter identified only one type of circuit breaker that may be modified to help alleviate the shortage of these items, we believe that the Bureau should undertake a study to determine whether there are similar situa-

tions with regard to other types of equipment now in short supply.

Dust-sampling equipment

In our opinion, the Bureau was at least partially responsible for creating a shortage of respirable-dust-sampling equipment.

We were informed by officials in both the Mount Hope and the Norton districts that shortages of dust-sampling equipment had caused many operators to be in violation of the provision of the act which required mine operators to establish dust-sampling programs in all mines. During our review of 63 reports on inspections made in September 1970, we found that 33 informational-type violation notices had been issued to the operators for failure to have dust-sampling programs. As mentioned previously, informational-type notices were issued when equipment necessary to comply with a particular requirement of the act was not available.

A Mount Hope District Office official advised us that mine operators needed about two personal dust samplers for each working section of the mine to carry out their dust-sampling programs. He stated that the total number required ranged from about two samplers for small mines to 24 samplers for large mines.

The Bureau ordered about 2,950 personal dust-sampling units and 150,000 filter cassettes in April and June 1970, and delivery of all items was to be made by July 15, 1970. We were advised that the number of units ordered had been based on the projected needs for 136 inspectors whom the Bureau estimated would be assigned to conducting health inspections by December 1970.

Bureau records showed that about 2,900 of the personal dust samplers and 5,300 of the filter cassettes had been received by July 15, 1970. Bureau records showed also that, between July 15 and September 30, 43 additional personal dust samplers and about 37,000 additional filter cassettes had been received.

The two districts that we visited received the following quantities of personal dust samplers and filter cassettes by the dates shown below.

	Number received			
	Mount Hope		Norton	
Dates	Samplers	Cassettes	Samplers	Cassettes
July 15, 1970	980	500	1,107	500
Sept. 30, 1970	980	9,200	1,107	9,150

We contacted the only two manufacturers which had obtained Bureau approval of their dust-sampling equipment, to determine what portion of their total production was used to fill the orders of the Bureau.

One company informed us that about 33 percent of all shipments of personal samplers and 24 percent of all shipments of filter cassettes during the period April through November 1970 had been made to the Bureau.

The company's records showed that the company had a sizeable backlog of orders from mine operators for personal dust samplers from April through July 1970 and for filter cassettes from May through December 1970.

Although detailed records of production and shipment of dust-sampling equipment were not available from the other manufacturer that we contacted, company officials advised us that shipments of personal dust samplers to the Bureau in June and July 1970 had accounted for about 80 percent of the company's production. Company officials advised us also that 80 percent of its production of filter cassettes in June 1970 had been shipped to the Bureau and that a substantial portion of its production had continued to be shipped to the Bureau until October 1970.

At the time of our review, we found that the utilization of the personal dust samplers and filter cassettes in the Norton Subdistrict Office was quite low.

For example, only 72 (or about 9 percent) of 833 personal samplers received for use by the Norton Subdistrict Office had been used for taking dust samples as of November 30, 1970. Over 380 of the units had not been calibrated and were not ready for use. Because only seven health inspections had been made by the subdistrict, the units had not been needed.

We also noted that, as of November 30, 1970, the subdistrict had used only 207 of about 10,500 filter cassettes that it had received to collect dust samples.

We did not determine the actual utilization of dust-sampling equipment by the Mount Hope district; however, it appeared that the usage would be only slightly higher since the Mount Hope Subdistrict Office had made 14 more health inspections than the Norton Subdistrict Office.

The Bureau apparently had been aware of the possible shortages of the equipment and the effect of its orders on the availability of the equipment before the requirement to begin sampling became effective on June 30, 1970.

On May 21, 1970, a memorandum from the Assistant Director, Coal Mine Health and Safety, to the Chief of Procurement and Property Management stated that it was doubtful that one of the companies could fill the contract by the required deadline. The memorandum stated also that a review of Bureau requirements had indicated that the specified contract deadline remained realistic.

On July 10, 1970, the Assistant Director again sent a memorandum to the Chief of Procurement, which stated that, if the Bureau kept the suppliers to their original contractual obligation for delivery of filter cassettes, the industry would be without any filters for as long as 2 months. At that time the Bureau had received only a small portion of the total quantities of filter cassettes ordered under the contracts.

On July 13, 1970, an official of the Bureau's Division of Procurement and Property Management contacted the suppliers and arranged for revision to the delivery schedules for these items, to permit increased deliveries to the coal mining industry. Deliveries to the Bureau were stretched out to the end of September 1970. The suppliers did not meet the September delivery dates, however, and on October 16, 1970, the Assistant Director, Coal Mine Health and Safety, contacted the suppliers and agreed to further stretch out delivery schedules.

Conclusions

In our opinion, the Bureau may have permitted unnecessarily prolonged noncompliance with certain provisions of the act by allowing mine operators to order a particular brand of equipment and by granting time extensions for compliance even though that brand may have been in short supply while a comparable substitute brand may have been readily available.

We believe that the Bureau purchased more dust-sampling equipment than it needed at the time and, in doing so, contributed to the problem of an overall shortage of the equipment and might have precluded many mine operators from establishing a dust-sampling program within the time required by the act.

The Bureau headquarters has not provided inspectors with guidance as to (1) the specific types of equipment that are, in fact, in short supply and (2) a reasonable estimate of the lead time necessary to obtain such equipment. Without such information there is no assurance that uniform determinations are being made by the Bureau inspectors regarding the unavailability of equipment or the time necessary to obtain equipment not readily available.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Undertake, on a continuing basis, a study of the nationwide availability of all types of equipment necessary for compliance with the health and safety provisions of the act. The information obtained, including the amount of lead time required to obtain delivery, should be furnished to coal mine inspectors to aid them in making more uniform determinations as to how much time an operator should be allowed to obtain equipment necessary to abate notices of violations issued for noncompliance with provisions of the act.

Determine, in conjunction with the above study, the feasibility of substituting one brand of available equipment for another brand which is in short supply and, in those cases where it is feasible, to require mine operators to make such substitutions.

Give more careful consideration in the future to the impact that the Bureau's buying practices have on the supply of equipment available to mine operators, especially when the adequacy of the total supply appears questionable and when the Bureau and the mine operators are in direct competition for new and improved testing devices.

The Department of the Interior has stated that plans have been formulated or actions have been initiated that are responsive to the recommendations set forth above. (See app. II.)

CHAPTER 5. RECRUITMENT AND TRAINING OF COAL MINE INSPECTORS

Recruitment of coal mine inspectors

When the Federal Coal Mine Health and Safety Act of 1969 was enacted in December 1969, the Bureau estimated that the full implementation of all the inspection and enforcement provisions of the act would require a staff of 1,046 persons. This staff includes supervisors, inspectors, and engineers; but it does not include support personnel, such as technical specialists, statisticians, and clerks. The Bureau estimated that the goal would be reached sometime in fiscal year 1972. In December 1969 the Bureau's inspection and enforcement staff consisted of 318 persons, including 57 who were in training. By March 6, 1971, the Bureau had increased the staff to 618, many of whom were in various stages of training.

Beginning in July 1969, in anticipation of enactment of the act, the Bureau and the Civil Service Commission took steps to speed up the recruitment of coal mine inspectors. After the law became effective, the Bureau continued to speed up the employment of coal mine inspectors. In October 1969 the Bureau requested the Civil Service Commission to lower the passing grade for the coal mine inspector examination. In November 1969 the Commission approved the request by lowering the passing grade from 124 to 105. In December 1969 the Bureau also revised its experience requirement by permitting substitution of education for experience. The substitution of education for mining experience is authorized by the 1969 act.

In February and March 1970, the Bureau held a series of examinations in over 40 mining communities. A second series of examinations was given in September and October 1970. By December 1970 these examinations had resulted in hiring 142 new inspectors. In addition, 201 eligible candidates were in the process of being hired.

Because existing recruitment practices were not obtaining the required manpower soon enough, on November 1, 1970, the Bureau dropped the requirement for written tests for coal mine inspectors.

On the basis of our limited review of the recruitment efforts of the Bureau, it appears that continuing improvements are being made.

Training of coal mine inspectors

In addition to taking steps to recruit increased numbers of coal mine inspectors, the Bureau revised its training practices to shorten the time required to train a coal mine inspector.

Prior to enactment of the act, the training program for coal mine inspectors consisted of 2 days a week of classroom training and 3 days a week of on-the-job training with an experienced coal mine inspector. After about 6 months the trainee-inspector was assigned on a full-time basis to an experienced inspector until he was qualified to conduct inspections on his own. We were informed that it usually took about a year from the time that the inspector was hired until he took full responsibility for making inspections.

After the passage of the 1969 act, the Bureau reduced the time required to train inspectors to meet its needs for additional inspectors more rapidly. The training period was reduced to 10 weeks of classroom training and about 3 months of on-the-job training with an experienced inspector, or a total training period of about 6 months.

We have no suggestions for the improvement of the Bureau's training program for coal mine inspectors at this time.

CHAPTER 6. OTHER MATTERS PERTAINING TO COAL MINE SAFETY

Need for more independence in accident investigations

The act authorizes the Secretary of the Interior to investigate mine accidents and any other occurrences relating to health or safety in a coal mine. In the event of the occurrence of any accident, as defined by the Department in its regulations (30 CFR 80), mine operators are required to immediately notify the Bureau's district or subdistrict office which has jurisdiction over the area in which the coal mine is located. These regulations provide that, following notification of an accident, the district or subdistrict manager determine whether an investigation of the accident should be conducted.

We were advised by a Bureau official that, as a general practice, the Bureau investigated all accidents involving (1) a fatal injury or any other death occurring on mine property, (2) a serious nonfatal injury that could result in the death of the injured person, (3) a mine fire not extinguished within 30 minutes, (4) a mine explosion, (5) an ignition of gas or dust or combination thereof, (6) a mine inundation, (7) a coal outburst (violent burst of coal from ribs or face of mine) of sufficient intensity that it appeared likely that, had any person been in the immediate area, death or injury could have occurred, and (8) the entrapment of any person.

The accident investigations usually are made by the inspector who inspected the mine prior to the accident, another coal mine inspector specializing in the area that caused the accident (e.g., roof control, electrical equipment, or explosives) representatives of the coal mine operator, and mine workers' union representatives if the accident took place in a union mine.

We believe that the independence of the groups investigating the accidents may be compromised by the possibility of a conflict of interest. For example, a conflict of interest may arise if the inspector who last inspected the mine discovered that the accident was due to a violation of a safety standard that he should have found and reported during his previous inspection. This could be especially true if an accident occurred within a short time (1 or 2 days) after the last inspection.

Similarly, the specialists on the teams investigating accidents are frequently representatives from district office groups, such as those which have approved roof control or ventilation plans for the mine at which the accident occurred. It might be difficult for such specialists to reach completely objective and independent conclusions as to whether the plans, which they or other members of their group had approved, contained shortcomings which had contributed to the accidents under investigation.

Although we found no indications of improperty in connection with any of the investigations that we reviewed, the fact that an inspector or other investigator may be put in a position of having to evaluate his own performance, especially where fatalities have occurred, raises questions as to the independence of his judgment in such situations.

The Bureau apparently became concerned with the quality of its investigations, and on October 8, 1970, a Washington headquarters official issued a memorandum to the district managers emphasizing the need for "more inquisitive and thorough * * * accident investigations." He also prescribed a procedure—which the district managers were urged to follow—for selecting the accident investigation team and conducting the investigation.

The procedure recommended by the Bureau provides that each Bureau accident investigation team include:

1. A permanent member with interest and abilities in accident investigation work.

2. The coal mine inspector who last examined the mine or the coal mine inspector supervisor of the area in which the accident occurred.

3. A person with specialized knowledge concerning the type of accident investigated; i.e., roof control, electricity, etc.

The use of this procedure still would not seem to provide the desired degree of independence and objectivity in investigating the causes of accidents because members of the team making the investigation could find themselves in the position of reporting on matters which reflected adversely on activities or operations which had been carried out within the responsibility of their supervisor or which had been carried out directly by the members themselves. Therefore this approach would not necessarily insure that responsibility for the accident was fixed properly or that the type of corrective action needed to prevent future similar accidents was identified properly.

Need for more guidance for inspectors

We believe that the Bureau has not provided Bureau inspectors with adequate guidance concerning the criteria and methods used to determine whether mine operators comply with the health and safety standards set forth in the act and in the Department's regulations. We believe that the need for more definitive guidelines concerning the criteria and methods used in inspections of especially acute at this time because the Bureau is in the process of quadrupling the inspection force that it had when the act was approved.

The Federal Coal Mine Health and Safety Act of 1969 is very comprehensive and complex, and we believe that, if the provisions of the act are to be administered uniformly, the Bureau's inspectors need to have a comprehensive, up-to-date manual.

The only manual available to the inspectors was prepared to implement the provisions of the 1952 act. We recognize that new inspectors receive classroom, as well as on-the-job, training. Nevertheless, in view of the complexities of inspection activities, we believe that written guidelines would provide greater assurance that inspection activities were being administered uniformly.

We noted that Bureau headquarters occasionally had issued some instructions relating to inspection and enforcement activities. These instructions, which were very limited, were furnished to district managers who were responsible for disseminating the information to the inspectors.

The need for definitive guidelines concerning inspection activities to be conducted under the act has long been recognized. A memorandum of an October 23, 1969, meeting of Bureau officials, including the Director of the Bureau, indicated that top priority was to be given to the preparation of a manual. In a letter dated April 23, 1970, from the Acting Secretary of the Interior to the Deputy Assistant to the President for Domestic Affairs, the Acting Secretary stated that:

"A new manual for inspectors which will include the changes brought about by the new Act is almost complete. It will provide complete guidance for the conduct in the field of inspection and enforcement operations and assure uniformity of application in the various districts and subdistricts of the United States. We expect to distribute this manual within 90 days."

We recently were advised by Bureau officials that the revision was about 85-percent complete but would not be completed before May 1971. Moreover, drafting of the manual was suspended pending the adoption of changes in certain inspection reporting forms and the development of mandatory surface-mining regulations. Although the portion of the manual dealing with inspection of underground coal mines is substantially complete, the Bureau prefers to issue the manual as a complete guide for both surface and underground inspections. We noted, however, that most fatalities occurred in underground mines.

We noted instances in which inspectors were responsible for making decisions but were provided with little or no criteria for doing so. For example, if an inspector finds a condition in a mine which, in his opinion, results in imminent danger to persons working in the mine, he is required to issue an order requiring the mine operator to withdraw all workers from the section of the mine where the danger exists or, in some cases, from the entire mine, until it is determined by the inspector that the danger no longer exists.

The act defines imminent danger as the existence of any condition or practice in a coal mine which reasonably can be expected to cause death or serious physical harm before such condition or practice can be abated. The decision as to whether an imminent danger exists is made principally on the basis of the judgment of the inspector.

Principal written instructions relating to imminent danger consist of a listing in the existing manual of 28 examples of conditions and practices for which withdrawal orders *may be* issued. The manual, however, provides no guidance in determining when each example is or is not an imminent danger.

On January 8, 1971, Bureau headquarters issued instructions to its district managers, which stated that inspectors should issue withdrawal orders when underground areas of coal mines were found to be inadequately rock dusted (an incombustible material applied to raise the incombustible content of coal dust in the mine). During our review we found numerous instances in which violations had been cited for these conditions prior to the issuance of the instructions and in which no orders of withdrawal had been issued.

We recognize that situations will vary from mine to mine. Nevertheless, if the Bureau is to achieve reasonable uniformity in the application of such provisions as imminent-danger determinations, we believe that it is incumbent upon Bureau headquarters to provide more specific criteria which its inspectors can use to make these determinations.

We noted statements by Bureau officials concerning the lack of uniform administration of inspection activities. For example, in May 1970 one district manager pointed out to his staff that the instructions received from Bureau headquarters, as well as those

given at a recent district staff meeting, might have been confusing and were inadequate and that the inspectors were not uniformly carrying out their work. To ensure that each inspector understood the actions which he should take, the district manager issued certain specific instructions to each inspector. Although the district manager might have clarified the specific procedures in question, we believe that a more systematic means of providing instructions governing the entire inspection process should be developed.

Coal mine research

The Bureau's research effort is implemented through contracts, grants, and Bureau field research installations. Bureau officials concluded that the added responsibilities placed on the Bureau by the act could not be accomplished in its facilities alone and that the Bureau should contract for as much research as possible to fulfill the new responsibilities.

There was a minimum of available data on the Bureau's research planning for fiscal year 1970. We were advised that the selection of research projects to be funded had been made as a result of meetings and other contacts among responsible Bureau officials.

We were told that there was little documentation on the specific planning of the health and safety research program for fiscal year 1970. The first identifiable planning action for the expansion of the research program was a meeting in the summer of 1969, attended by the Bureau Director; the Deputy Director, Health and Safety; the Assistant Director, Coal Mine Health and Safety; the Acting Assistant Director, Mining, Mineral Resources, and Environmental Development; and other Bureau officials concerned with research. The general areas of needed research to improve coal mine health and safety reportedly were discussed.

In fiscal year 1970 the Bureau received, in conjunction with the passage of the act, a supplemental appropriation of $12 million, of which $7.5 million was designated by the Bureau for health and safety research.

As of June 30, 1970, the Bureau had committed about $6.2 million of these funds to award 21 contracts for research projects in such areas as rescue and survival, underground support structures, mine rescue communications, and measurement of respirable-coal-dust concentration in mine atmospheres. Of the awarded contracts, 18—which accounted for $1.2 million of the expenditures—result from unsolicited proposals. The largest contract was a $3.4 million award to a private company for the development of a coal mine rescue and survival system.

Fiscal year 1971 research planning appears to have been more systematic than the research planning for the prior year. The responsibility for making specific recommendations for fiscal year 1971 research was given to task groups for functional areas, such as methane control, respirable dust control, and rescue and survival systems. Research ideas have come from universities and private industry in the form of unsolicited research contracts or grant proposals, from the Bureau's day-to-day contacts with industry organizations, and from the Bureau's field research installations.

We believe that the Bureau is developing a more effective approach to its research planning. Therefore we have no suggestions for improving the planning of the Bureau's research program at this time.

Conclusions

We believe that a change in the composition of the teams responsible for investigating coal mine accidents and in the organizational level to which these investigators report would be desirable to ensure a greater degree of independence and objectivity in carrying out the investigations.

We believe also that more definitive guidelines concerning the criteria used by inspectors to determine whether mine operators are complying with the Department's health and safety standards will provide greater assurance that such standards are being uniformly applied.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Consider establishing a policy requiring that accident investigation teams be made responsible to an organizational level above the district offices.

Consider establishing a requirement that accident investigation teams be composed of inspectors and other specialists who have not made recent inspections of the mine at which the accident occurred, who have not approved such things as roof control or ventilation plans which may have had a bearing on the cause of the accident being investigated, and who are not employed in the district having jurisdiction over the mine where the accident occurred.

Expedite the issuance of definitive guidelines setting forth the criteria to be used by mine inspectors in determining whether mine operators are complying with prescribed health and safety standards.

The Department of the Interior has stated that plans have been formulated or actions have been initiated that are responsive to the recommendations set forth above. (See app. II.)

CHAPTER 7. EFFECT OF THE ACT ON THE SUPPLY OF COAL

During the hearings preceding the act and after its enactment, considerable interest was expressed by coal mine operators and some members of Congress in the possible effects that the act could have on the supply of coal.

During our review we could not determine with any certainty whether the act had any appreciable effect on coal production in 1970. Coal production in the United States had been rising during the 4 years immediately preceding the passage of the act and continued to increase in 1970, as shown in the following table.

Year:	*Tons produced*
1966	533,881,000
1967	551,000,000
1968	545,245,000
1969	560,505,000
1970	590,000,000

We discussed with Bureau officials the impact of the act on the supply of coal, and they told us that the act had practically no impact. On the basis of an earlier study made by the Mount Hope district in February 1970, however, the Bureau estimated that a gradual enforcement of the act (what the Bureau described as granting time to the operators to comply) would result in a reduction in coal output of about 8 million tons in the 12 months following the effective date of the act. Moreover, the Bureau estimated that full and immediate compliance with the law would have resulted in a reduction in production of about 50 million tons during the same period. Actually, in 1970 the Nation's coal output increased by 29.5 million tons, the largest single increase since 1964.

The Bureau made some efforts to identify losses in coal production due to the requirements of the act by requiring the district offices to furnish a weekly report on the activities of the coal mine inspection force. This report included such things as the number of violations cited, the number of mines closed as a result of the act, and the estimated lost coal production.

A Mount Hope district official told us that the district did not have the manpower to develop the information and did not furnish it. The Norton district furnished the information, but it did not appear to be reliable. For example, in estimating the production loss, Norton made no effort to identify how much of the loss which it attributed to enforcement of the 1969 act would have occurred under the earlier 1952 act which also provided authority for closing mines when certain safety hazards were found.

In the absence of reliable data concerning lost production due to the 1969 act, we sought the opinions of knowledgeable persons in the coal mining industry and the mine workers' union.

Union officials told us that, in their opinion, the 1969 act had had no significant impact on the production of coal because the Bureau had not enforced the new act as strictly as it should have.

Officials from Virginia and West Virginia departments of mines also told us that, in their opinion, the new act had not had a significant impact on the Nation's supply of coal. Virginia officials stated, however, that, as the act was more rigidly enforced, some small operators might be forced out of business and that this could have an effect on the future production of coal.

In contrast, coal company officials stated that the act had had a significant impact on the production of coal. They said that cleaning up loose coal and coal dust, as required by the act, was one of the primary causes of lost production time. They also stated that the mere presence of a coal mine inspector had hindered coal production.

Conclusions

From evidence available to us, we could not determine whether the 1969 act had had any appreciable effect on coal production. Nevertheless, the large increase in coal production which took place in 1970 is an indication that, thus far, the impact of the act on coal production has not been large. We have no basis upon which to comment on the possible effect on coal production of stricter enforcement of health and safety requirements in the future.

CHAPTER 8. SCOPE OF REVIEW

Our review was directed primarily toward examining into the effectiveness of actions taken by the Department of the Interior and its Bureau of Mines to enforce compliance with the major health and safety standards prescribed in the Federal Coal Mine Health and Safety Act of 1969. The review was conducted primarily at the Bureau's headquarters in Washington, D.C., and at the Bureau's Coal Mine Health and Safety district offices in Mount Hope, West Virginia, and Norton, Virginia.

We reviewed the legislative history of the act and the procedures for implementing the legislation. We also examined pertinent documents, reports, records, and files at the Bureau's headquarters and at the district offices. In addition, we interviewed Department and Bureau officials; coal mine operators; coal mine workers' union officials in West Virginia, Virginia, and Washington, D.C.; and officials of the West Virginia and Virginia departments of mines. We also accompanied coal mine inspectors and observed some of their health and safety inspections in underground coal mines.

APPENDIX I

U.S. SENATE,
Washington, D.C., August 13, 1970.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: This Subcommittee was instrumental in both the writing and enactment of the "Federal Coal Mine Health and Safety Act of 1969." Since the December 30, 1969 approval of this legislation, the Subcommittee has maintained close contact with the implementation of the health and safety

provisions of this Act by the Department of the Interior and it's Bureau of Mines.

A number of serious deficiencies in the Department's program for the implementation of these provisions has come to the attention of the Subcommittee during the course of legislative oversight hearings. For example, serious questions have been raised about the Department's (1) ability to implement effectively the law's inspection requirements, (2) use of substantially increased appropriations, (3) development of effective research and training programs. This enumeration only highlights some of the more serious issues.

It would be most helpful to the Subcommittee if the General Accounting Office would review the Department's actions and plans for implementation of the Act, and furnish the Subcommittee with a report on these activities, including any comments or recommendations you believe are appropriate.

Sincerely,

HARRISON A. WILLIAMS, JR.,
Chairman Subcommittee on Labor.

APPENDIX II

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 29, 1971.

Mr. JOSEPH P. ROTHER, Jr.,
Assistant Director, Civil Division,
General Accounting Office,
Washington, D.C.

DEAR MR. ROTHER: The Department of the Interior has reviewed the draft report entitled "Implementation of the Federal Coal Mine Health and Safety Act of 1969, Department of the Interior" which was made available for review and comment. It is believed that the report is an objective appraisal of Bureau of Mines' efforts to implement the Act within the period of time covered by the report, and consequently, only a very few substantive comments are offered at this time. Also, there has been initiated, or plans formulated to initiate, actions that are responsive to the report's recommendtaions. These actions will be described in our response to the final report.

The only major exception taken to the recommendation in the draft report is with regard to the utilization of people with lower qualifications than regular coal mine inspectors to specialize in health inspections. This is the first recommendation listed on page 46 of the report, and it is also mentioned on pages 8, 12, 13, 14, and 15 of the report.

Although the Bureau has not, as yet, increased its inspection force to the required minimum of 1,000 personnel to make all of the inspections required by the Act, this will be done by June 30, so there is no need to further reduce the qualifications of inspectors as a recruiting measure. It is, however, using inspector-trainees and technicians to assist in both health and safety inspections, and will continue to do this to the extent that it can be done without reducing the quality of the inspections. It is believed that all of the inspectors should be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law in both respects at all times that they are in the mines. It would be extremely unwise, from our past experiences, to utilize personnel as health inspectors who would be incapable of recognizing unsafe practices and conditions which might result in fatalities—and possibly, a disaster—*and to issue notices of violations and withdrawal orders when needed.* [See GAO note 1.]

It is doubted that there would be any cost saving, and that our inspectors would be less effective and therefore unacceptable.

On page 10 of the report it is incorrectly stated that partial inspections "are to be reinstated in 1971 after each coal mine has had two regular safety inspections." The Bureau of Mines does not plan to make any more "partial but representative inspections." [See GAO note 2.]

We appreciate the opportunity to review this report in draft, even though the four days time allotted was not sufficient to allow for the careful, reflective analysis we prefer to offer on such review.

Sincerely yours,

J. T. HALL, JR.,
Director of Survey and Review.

BUREAU OF MINES MUST SHARE IN FAILURE OF COAL MINE HEALTH AND SAFETY ACT TARGETS TO BE ACHIEVED AS PROMPTLY AS CONGRESS INTENDED—PROGRESS, HOWEVER, HAS BEEN MADE

Mr. RANDOLPH. Mr. President, our able colleague from New Jersey (Mr. WILLIAMS), chairman of the Committee on Labor and Public Welfare and of its Subcommittee on Labor, has discussed in this forum a report prepared and submitted by the Comptroller General of the United States concerning administration and enforcement of the Federal Coal Mine Health and Safety Act by the Bureau of Mines of the Department of the Interior.

As the ranking majority member of the committee and of its labor subcommittee, and as a Senator from the leading bituminous coal producing State, West Virginia, I share the distress expressed by the chairman that the Comptroller General found the Bureau of Mines too widely off targets established by Congress for administration and enforcement of the Coal Mine Health and Safety Act as extensively amended in 1969.

Our chairman, on behalf of the subcommittee, last summer requested the Comptroller General to make the investigations which culminated in the report, the text of which is being printed in the RECORD today in connection with the remarks by the Senator from New Jersey (Mr. WILLIAMS). His was a timely and appropriate request of the Comptroller General, and I know I am joined by coal miners from operations in my State and other coal mining States as I express appreciation for that action and for the chairman's cogent discussion.

Mr. President, it is shocking to me that the Comptroller General's report contains the finding that the Department of Interior's policies for enforcing health and safety standards "have been, at times, extremely lenient, confusing, uncertain and inequitable."

We are aware of the difficulties encountered in translating this sweeping legislation into realistic job safety practices. We realize that administrative inertia resists changes that are necessary in policies and programs to accomplish the goals mandated in legislation. We know that the affected industries do not enthusiastically embrace these changes and seek to soften costs, and that workers are often inclined to evade changes they consider either unwieldy or unnecessary.

But all these segments of Government and industry must be made more bluntly cognizant that implementation of these laws to the maximum degree will result in the saving of thousands of workers' lives and avert inestimable suffering of millions of potential injury victims.

There can be no compromises in the swift implementation of the safety laws that Congress has willed.

Last January 27, I reported in a Senate speech the progress that had been made in carrying out provisions of the Federal Coal Mine Health and Safety Act on the first anniversary of its passage. I noted that the U.S. Bureau of Mines was handicapped by a lack of anything approaching an adequate number of trained inspectors. The Bureau of Mines was in the process of increasing inspections while at the same time expanding and training a force triple its size. Moreover, the program's administrators were forced to shift priorities constantly in order to meet many of the tight deadlines imposed by the law.

In the first 7 months of the law's actual operation, the Bureau had managed to make more than 1,500 complete inspections of underground coal mines. Here we can ask the unanswerable question: How many lives were saved in that period? We know that more than 250 miners died. During the first 7 months, there were 1,645 "partial but representative" inspections and 5,200 additional "spot" inspections as required by law.

During that 7-month period, more than 35,000 violations of mandatory provisions were found, and 1,460 orders closing mines or parts of mines were issued.

These statistics carry small staisfaction if, as we learn from the Comptroller General's report, there was at times extremely lenient treatment of offenders and, even worse, inequitable assignment of penalties. If the law is to succeed, there must be firm and fair enforcement. Any hint of favoritism will destroy confidence in the law and lead to attempted evasions.

I note that of the two mining districts surveyed in the report, the Mount Hope district of West Virginia had, in the opinion of the Comptroller General, a "much better record," but here again we are dealing in relative inadequacies.

Senator WILLIAMS, as chairman of the Labor Subcommittee and of the Labor and Public Welfare Committee, has my support in his efforts to improve the safety and occupational health of coal miners.

In his discussion of the report, Senator WILLIAMS raised the possibility of transferring administration and enforcement of the Federal Coal Mine Health and Safety Act from the Bureau of Mines to a unit of the Department of Labor.

This is a timely suggestion, but I am not ready either to approve or disapprove a transfer of coal mine health and safety enforcement and administration to the Labor Department. This is a subject that needs more study and debate.

The coal mine health and safety laws, as recodified in 1969, are complicated and far-reaching. Perhaps we have a right to expect better performances in enforcement than the Bureau of Mines has been producing. But I am not sure that the cause of coal mine health and safety for the men who toil in the mines would be improved by setting up a new enforcement unit in the Department of Labor.

Such a transfer might result in the loss of valuable time already invested in organization and training. If this should occur, enforcement might decline in efficiency rather than improve during the transition from one department to another. Perhaps we would be better advised to keep the pressure on the Department of Interior and its Bureau of Mines to materially improve its enforcement organization and procedures.

Our discussions begin what inevitably must be a careful study of an important aspect of the effort to improve the safety and occupational health of coal miners.

In my progress report on the coal mine health and safety law last January, I stated, and I wish to reaffirm it today, that the grim record of 1970 is not satisfactory to those of us in the Senate and House who have worked long and hard to bring safety to the mining industry. Let me assure those who feel that there is an "acceptable" level of death and disaster inherent in the mining industry that our efforts will not cease until the fatality figure reaches zero, or as nearly to that point as is humanly possible.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. ALLEN). In accordance with the previous order, the Chair now lays before the Senate the unfinished business, H.R. 6531, which the clerk will please state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending business is amendment No. 106, offered by the distinguished Senator from Oregon (Mr. HATFIELD), which the clerk will please report.

The assistant legislative clerk read as follows:

In the amendment numbered 76, proposed by Mr. SCHWEIKER (for himself and others) strike out all of the proposed new title V in the amendment and insert in lieu thereof the following:

TITLE V—TERMINATION OF AUTHORITY TO INDUCT PERSONS INVOLUNTARILY INTO THE ARMED FORCES

SEC. 501. Notwithstanding any other provision of law, no person may be involuntarily inducted into the Armed Forces of the United States after July 1, 1971.

The PRESIDING OFFICER. Time is now under control, with the time to be equally divided between the Senator from Oregon and the Senator from Mississippi (Mr. STENNIS).

Who yields time?

Mr. HATFIELD. Mr. President, I yield myself such time as is necessary to make my initial presentation.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, in debating the extension of the President's authority to induct men into the Armed Forces, questions of national security, internal composition, cost, and equity are generally raised.

Today I want to analyze what I call the numbers game which has been played with Congress for a number of years and more especially now that we are about to consider extension of the President's induction powers under the Selective Service Act. Let me remind my colleagues that under the Constitution we, the Congress, are responsible for determining the manpower levels and raising the Armed Forces of this country. I feel, therefore, that it is very important we have a solid base upon which to make an analysis in order to make a determination and exercise our judgment not only with regard to the method of procurement but also the number required to meet our national security needs for military purposes.

Each of these matters and others deserve the closest attention.

And when examined, it is clear that a volunteer military lends itself much more to our national security, than a draft, and is far more equitable and just than any form of conscription.

It is far more efficient and much less costly than an Armed Force based on conscription, as we presently have.

Let us go into some of these interesting and contradictory figures given to the Armed Services Committees of the Senate and the House. I make these statements not with any rancor or any kind of malice, but rather in the attempt only to try to clarify that which is rather confused and a rather distorted picture at the moment.

I want to pay tribute to the distinguished chairman of the Armed Services Committee of the Senate, and to that committee, because they have been working under tremendous pressures. I am sure that all of us are appreciative and are aware of that. I think that much of the statistical data given to the Senate Armed Services Committee must confuse that committee as much as it confuses anyone else.

Assistant Secretary of Defense Roger Kelley has stated that Department of Defense anticipates the need for 528,000 accessions in fiscal year 1972. This accession rate assumes an end strength of 2.505 million men for fiscal year 1972, 100,000 more than the Senate Armed Services Committee is recommending. Assistant Secretary Kelley states further that if inductions were terminated June 30, 1971, and no incentives were added, the greatest shortfall experienced would be 213,000 men.

The word "shortfall" here is the difference between the anticipated level and that which would produce the number of men under any given procurement system. This would mean that our end strength for fiscal year 1972 would be approximately 2.282 million men, or roughly 113,000 men less than recommended by the Senate Armed Services Committee. On this basis alone, there is no reason to suppose that any threat to our security would result, Vietnam notwithstanding.

If, however, various incentives are increased, particularly basic pay, Assistant Secretary Kelley states that the most pessimistic end strength for fiscal year 1972 would be 2.375 million men, or 25,000 men short of what the Senate Armed Services Committee recommended. Again, let me stress that this maximum shortfall projected by DOD's most pessimistic estimates would in no way jeopardize our national security or our commitments around the world.

Later I shall make other data and statistics available which would indicate where we can get higher rates of utilization of military personnel for military purposes which would far more than overcome this figure.

Furthermore, there is ample reason to suspect that the DOD's figures are inflated and overstate the manpower needs for the coming year. The accessions projected by DOD for fiscal year 1972 for a 2.505 million man end strength are roughly 200,000 above the estimates of the President's Commission on an All-Volunteer Armed Force, commonly referred to as the Gates Commission.

Let me stress that figure: 200,000 above the estimates of the President's Commission. It is granted by members of the Commission and the Commission staff that their figures were subject to some variation, but not a deviation of 200,000.

The reasons for the inflated accession requirement for fiscal year 1972, let alone for fiscal year 1973, rest in the internal policies of the DOD. First, the end force requirements were changed. Second, and most significantly, there is now an expanded early-release policy adopted by the Army that greatly increases net losses. Third, and closely related, there has been a sharp expansion in the proportion of voluntary Army enlistments who were obligated for only 2 years and who will end up serving an average of only 17 to 19 months. Consequently, a great deal of the shortfalls projected by the DOD, should inductions terminate June 30, 1971, are wholly a result of their internal policies which they could easily remedy.

There are additional steps which DOD could take to resolve the shortfalls. Redeployment of noneffective trainers—from reduced training needs—could increase the number of enlisted men who could be reassigned to operating units by 16,000 to 20,000. If unessential work were reduced by as little as 3 percent, 20,000 men who cut grass, chauffeur others or repolice parade fields, further reductions in overall strength levels could be made.

I might add, also, the bartenders at officers clubs. We could get bartenders cheaper than we would have to pay enlisted men who mix drinks for officers.

The Gates Commission estimated that as many as 91,900 enlisted positions could be civilianized in a 2.5 million man force. And in that civilian ceilings have been recently lifted for the Defense Department, a substantial number of enlisted positions could be civilianized. The current ban against reenlistment for those in the New Standards category could be lifted, increasing accessions here between 7,000 and 15,000 men annually. The DOD has indicated that New Standards men succeed at a rate of 93 to 95 percent as well as those accepted in the regular ranks, and without special additional training.

Mr. President, I would like to spend an hour or so frankly on this whole question

of the new standards category because it bears careful scrutiny. I am constantly surprised at the number of people whom I have talked to, including my colleagues, who are totally unaware of the new standards category of training, what it has produced and that it has developed a very remarkable record of achievement.

Let me emphasize that all of these accessions could be achieved by changing the internal organization of the Department of Defense without the necessity of additional draftees. When they talk about numbers, let us get the basic figures in mind as to what we really have to have, rather than what are used now as scare tactics in order to maintain the draft.

I use some of these analyses in the most conservative and minimal way, because I want to show to the Senate again how the manpower levels could be maintained without drafting men.

Taking the minimum figure for all of these, including zero civilianization for the Army—and remember that the Gates Commission said that as many as 91,900 enlisted positions could be civilianized—the number of men needed for fiscal year 1972 could be 73,000 fewer than DOD projects. This would mean that the greatest shortfall expected for fiscal year 1972, with no increase in incentives, would be 138,000 for an end strength of 2.505 million men.

Mr. President, how they can come in and ask the Senate to support the continuation of the draft on the fallacious argument that it is needed to maintain the military manpower level is beyond me, because these are figures from the Pentagon and from the Armed Services Committee itself.

As I say, we are being played with here again on a numbers' scale. We had better get our numbers pretty clear in mind. I say this in all due respect, because I think the Armed Services Committee has had the numbers' game played with them.

If the Congress adopts the 2.4 million end strength recommended by the Senate Armed Services Committee, the shortfall would only be 38,000—again, with no increase in incentives. However, if increased incentives are forthcoming, as there is ample reason to believe, the maximum shortfall estimated by Assistant Secretary Kelley would be only 55,000 for a 2.505 million man end strength—or no shortfalls for the Senate Armed Services Committee's recommendation. Consequently, there is ample reason to expect that few, if any, shortfalls would result in fiscal year 1972 if inductions terminated June 30, 1971.

Some have urged extension of the draft authority on the basis of anticipated shortfalls in fiscal year 1973. It has been argued, for example, that the Army alone would experience a shortfall of 336,000 men during that time, the theory being that a significant number of men with 2-year obligations would be leaving the Army. This not only contradicts Assistant Secretary Kelley's statements, but also at least one thorough economic study by a noted manpower expert and our earlier experience in a similar situation. Assistant Secretary Kelley has stated that he would not expect shortfalls in fiscal year 1973 to be much different from the shortfalls of fiscal year 1972.

Dr. Walter Oi, a man with outstanding credentials in the military manpower field, has made an analysis of fiscal year 1973 accession requirements, based on DOD figures, and concludes that the needs of the Army for that year will be 191,000 men. The maximum shortfall for a 2.5 million man force would be 21,000 if the administration's pay recommendations are passed by the Congress.

With an end strength of 2.4 million men, the shortfall would be 100,000 men with the administration's pay recommendations. At a 2.4 million end strength with the House passed pay bill, the expected fiscal year 1973 shortfall would be 80,000 men. At worst, then, we would expect a maximum shortfall in the Army of 100,000 men and in fiscal year 1973, if Dr. Oi is correct. This would not jeopardize our national security in the slightest, in my opinion.

Our past history indicates that the fiscal year 1973 accession expectation of 336,000 for the Army as projected by DOD is highly dubious. Let me indicate why I challenge this figure.

For example, in 1958 through 1960 we reduced our troop levels by roughly 135,000 men. During that period of time accession requirements decreased constantly as well as draft requirements. In 1959, the total number of men enlisting for the enlisted ranks in the entire Armed Forces was 340,000 men. The troop level at that time was 2.504 million, almost exactly the end strength recommended by DOD for next year. The interesting point is that the total DOD enlisted requirement for that fiscal year was 340,000—only 4,000 above the number of accessions estimated for one branch of the Armed Forces for fiscal year 1973 and at roughly the same force level.

Let me add at this particular point the simple fact that the statistics in the survey show that there is little if any relationship between the unemployment rates at any time and the enlistments within the military services.

There is one further aspect of the fiscal year 1973 projected accession requirement for the Army that I find of interest. The administration has set early 1973 as the deadline for reaching zero inductions. And if the present trend continues, approximately 191,000 of the Army accessions in fiscal year 1973 would be true volunteers if the draft were extended. This means that roughly 145,000 men would have to be drafted during that fiscal year to meet Army needs.

Let me repeat that if we were to take these figures literally and as valid figures, it would mean that we would have to draft 145,000 men to meet the Army requirements.

Furthermore, in order to reach the zero draft level midway through the fiscal year, there would have to be 158,000 inductions during the first 6 months, or more than 24,100 inductions per month. This is a fact which would contradict the administration promise to the American people, as well as any past experience on the part of the military services. Not only does this seem unlikely from a logistical point of view, but it would also seem extremely unwise from a political point of view, as well, to induct 145,000 voters during a national election campaign. The only other alternative would be to increase inductions during the latter part of the next fiscal year, but with the induction and average strength limitations in the pending proposals, this alternative would not be viable. Yet, even if Defense Department figures are accurate, which is a very dubious assumption, there is no reason to extend the draft for 2 years, as has been argued. The induction authority can be terminated this year without any threat to our manpower requirements. This is not based on opinions but it is based on a highly respected and documented commission report, the report of the Gates Commission itself.

Congress can review administration requests for reinstating the draft next year should the need arise. We never divest ourselves of this power. Arguing extension of the draft on some hypothetical future need would be a precedent for other possible legislation in other fields that would defy anyone's logic.

How can we anticipate the needs that far ahead in any field? We find it difficult to get out our annual budget without continuing resolutions.

On the other side of the national security coin is the fear of weakening our internal security. This is an argument that is frequently made that a mixed force of volunteers is highly preferred. Essentially this argument asserts that an all-volunteer Armed Force would be more isolated from society than a mixed force of conscripts and volunteers. It would consequently, because of its professional—mercenary makeup, pose an internal threat to our society and Government.

In terms of turnover, a volunteer military would have a significant number of new men joining each year.

I wish to emphasize that a voluntary military is not a static situation. Many assume that once an all-volunteer army is established, there is a freeze into a situation which becomes steady. That is not true. According to the Gates Commission, an all-volunteer force of 2.5 million men would have a stable annual turnover of approximately 325,000 men, or a 13-percent annual turnover.

It is true that a mixed force of volunteers and conscripts has a larger turnover, but it is primarily focused in the lower ranks among the draftees.

I wish to emphasize that draftees do not determine policy. Anyone who has been in the military realizes that a lowly enlisted man has no influence on military policy. Military policy is determined at the top of the pyramid. Down through history, any time there has been a military threat or coup d'etat it has been by an officer clique or an officer group, not within the enlisted ranks. The officers of this Nation's military force already volunteered. I do not find any threat here to our internal security by having an all-volunteer force. Today, our Armed Forces are experiencing at least a 90-percent turnover in our draftees.

It has been argued, for instance, that if it were not for the draft bringing men

in from middle and upper income brackets our policy in Vietnam would be significantly different and that events such as those that occurred at Mylai would not have been discovered. On the surface, this is without fact or foundation. Our country has been fighting with draftees in Southeast Asia for a least 6 years. And what significant changes in policy have draftees or their parents brought about? Decisions in the military are made at the officer level where virtually all of our officers are volunteers. The fact of the matter is, whether good or bad, the men in the lower ranks have and continue to follow their superiors' orders, and the war has continued. Many of those involved in the events at Mylai were draftees. Yet, the first soldier to report having seen killings was Sergeant Bernhardt—who was not a draftee, but a volunteer. Lieutenant Calley, whose conviction is now pending appeal, joined the military just one step ahead of the draft. It could be forcefully argued that there is a direct correlation between the ratio of draftees in our Armed Forces and the warlike nature of our foreign policy.

But I shall not use that argument this morning.

Why should we criticize an enlisted man for being professional when our officer corps has always been professional? We do not criticize doctors, lawyers, and others for being professionals, why should we criticize a professional soldier? This criticism is often used against an all-volunteer army.

To criticize a soldier for being professional is to criticize him for doing a good job at his work. Consequently, one would have to argue against the existence of the military altogether to be consistent.

Depending on our force level, the ratio of draftees to volunteers in post Vietnam times would vary between 8 and 12 percent if the draft were to continue. It is hard to conceive how this small minority of men at the lowest end of the military hierarchy could influence policy.

For those who argue that the draft has helped us move toward getting out of Vietnam, they forget that it was the draft that allowed us to get into Vietnam. A much more defensible position is that if we had had an all-volunteer Armed Forces at that time, with the general taxpayer bearing the full cost, rather than the draftee, we may well not have gone into Vietnam. And if we had, we would have been out much sooner.

Finally, many continue to confuse the difference between a professional and a mercenary. A mercenary is a member of one country's armed forces selling his services to another. This certainly has not been the case during our more than 160 years experience in this country with an all-volunteer military, nor would it be the case should we abolish the draft once again.

The degree to which our country's military is isolated from the rest of society and the potential threat that it might pose to our internal security does not depend on the manner of manpower recruitment. Rather, it depends on factors such as the state of the economy, the consistency of government policy, and the successes of our foreign policy. There is no positive correlation between the manner of manpower recruitment and coup d'etat. There is little, if any evidence, in other words, to support the thesis that a volunteer military would be more isolated or pose more of an internal threat to our society than a mixed force of conscripts and volunteers.

Another issue that is usually raised within the context of protesting national security is the composition and quality of our Armed Forces under an all-volunteer military. One concern centers around the maintenance of the requisite number of combat troops to meet our needs. Apparently, this is a difficult analysis to make because the Pentagon has furnished me with at least four different sets of statistics within the past few months. This is an example of the "numbers game," as I call it, that is being played with Congress by the Pentagon. I will examine each chronologically and examine their respective implications.

In late December, 1970, the Pentagon projected between 33,000 and 50,000 combat arms slots annually for fiscal year 1972 and fiscal year 1973. Combat arms includes armored, artillery, and infantry.

In fiscal year 1970 we needed 100,000 men for combat arms. 4,000 men at the time of enlistment indicated that they wanted to have a combat specialty; this is the 4 percent figure to which so much reference has been made and about which we have heard many times from the chairman of the Armed Services Committee; that of the combat requirements, we got only 4 percent enlistments, indicating what he called this kind of specialty. Let us look further into these figures. Another 7,000 later signed up for airborne and special forces—bringing the total volunteer enlistments for fiscal year 1970 to 11,000. There were approximately 72,000 men in the same year who did not specify any specialty preference at the time of enlistment. These men are called Regular Army unassigned personnel—RAU. Forty percent of these men—28,000—were assigned to combat specialties.

This brings the total of true volunteers in combat specialties in fiscal year 1970 to 39,000—not 4,000; 39,000. The remaining 69,000 openings were filled by draftees.

But the need for ground combat troops in fiscal years 1972 and 1973, according to December 1970 projections by the Pentagon, as I indicated, as the first set of figures, will be one-half to one-third of the fiscal year 1970 needs.

I know there are many figures here. The Senate is required to face the problem of ascertaining what the real figures are. We have been given so many contradictory figures. Consequently, assuming the most pessimistic figures, and if only 40 percent of the regular Army unassigned personnel were assigned to combat specialties, we would have a shortfall of 25,000 men for fiscal 1972 and 1973, according, again, to the Pentagon's own figures. Yet, this does not take into consideration three factors:

First, increases in the manpower pool;

Second, substantial increases in pay;

Third, active recruiting for combat enlistments—which has been virtually nonexistent until recently.

The second and third sets of projections for fiscal year 1972 and fiscal year 1973, which my office received was in late May 1971—the first set, December 1970, the second set of figures, May 1971. The ground combat needs had increased to 75,000 annually.

Mind you, Mr. President, in these few months, at the same time the President has told us about winding down the war in Vietnam, his commitment to the zero draft, and all these great trends by this administration's war policies, the Pentagon has indicated a decreased number of voluntary manpower; yet, at the same time, from December 1970 to May 1971, the Pentagon has to increase these figures 75,000.

One source stated that during fiscal year 1971, there was an average of 300 volunteers per month for combat specialties. This comes from manpower sources in the Pentagon; with a total of 2,714 voluntary enlistments through late May.

However, a second source, from manpower, in the Pentagon, stated earlier in May that voluntary accessions in March of this year had increased to 600 and had gone to 1,400 in April.

If both are true, then in those 2 months almost 133 percent of the total voluntary accessions into combat arms specialties occurred, and the average monthly enlistment rate was 41.4 men. In other words, voluntary enlistments for the ground combat specialties increased from a rate of 79 per month to 600 to 1,400 in 3 months. This is an incredible 2,111 percent increase.

A fourth set of figures then came to light as a result of another phone call from my office. According to these figures—again we are talking about manpower specialists in the Pentagon.

The Defense Department estimates that combat enlistments for the month of April were 600, for May, 700, and for June, 800. Yet in the same conversation, it was conceded that combat enlistments for April could be as high as 1,000. These increases can be explained, according to Pentagon sources, as they explained to me, the new guaranteed European tour and the choice of unit programs which went into effect in February 1971.

Based on these most recent figures, then, combat enlistments have increased from 300 to 600—or possibly 1,000—in just 2 months. In other words, in 2 months, combat enlistment doubled or possibly more than tripled.

Taking the most conservative estimates of the most recent Pentagon calculations in the 3 months of April, May, and June of this year, they are expecting 2,100 combat enlistments. If, as the Pentagon states, there were 2,714 combat enlistments through May, and we subtract the May and April enlistments from that total, there were a total of 1,400 combat enlistments during the preceding 9 months. This is an average of approximately 145 combat enlistments per month for the first 9 months of fiscal year 1971, which is less than one-half of what the Pentagon stated was our average monthly combat enlistment rate—300.

No wonder there is confusion, no wonder question has been raised, and rightly so, as to what we are talking about on the floor here and what the Pentagon is talking about. They have a set of figures for each day of the week, or at least for each week of the month, and our job is to make some sense and to unravel these contradictory figures.

Whatever figures one chooses to use, it is obvious that ground combat enlistment has significantly increased since two new programs were instituted by the Defense Department. I refer to this program as the new European guarantee tour and the new choice program, which went into effect in February 1971.

Assuming their most conservative recent figures, what are the implications if inductions were to stop July 1, 1971, as those of us who support this amendment propose should happen.

All of the figures quoted by the Pentagon do not include enlistments for airborne or special forces—all of which are true volunteers. These figures also do not include Regular Army unassigned personnel, at least one-half of whom are true volunteers, who can be assigned to any specialty including combat specialties. Not accounting for the anticipated substantial increases in basic combat pay or increases in the size of the manpower pool, we can anticipate at least 7,000 volunteers for the airborne and special forces; and we can anticipate at least 73,000 Regular Army unassigned personnel, 41,040 of which are true volunteers.

On the basis of the two new programs of the Defense Department, assuming the most conservative estimate of 800 combat enlistments for June of this year, 9,600 men can be expected to volunteer for ground combat at the time of enlistment. This means that a total of 57,600 true volunteers could be ground combat troops in fiscal year 1972 without any pay increases.

This is a shortfall of 17,400 personnel for the ground combat ranks for fiscal year 1972 for an end strength of 2.505 million men.

The Senate Armed Services Committee, however, has reduced that projected end strength by 100,000—50,000 of which are Army personnel. I would expect that the increases in basic and combat pay would attract more than the needed men to combat specialties, but even if they do not, the shortfall would be insignificant. Consequently, stopping inductions at the end of this fiscal year would not hamstring our combat units nor threaten our national security.

Mr. President. at this point I ask unanimous consent to have printed in the RECORD a one-page list of statistics relating to the Vietnam manpower level, the 14,300 a month reduction rate, and the number due for rotation and the replacements needed each month from May 1971 to January 1973.

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

THE DRAFT AND THE INDOCHINA WAR

	Vietnam manpower level at 14,300/ month reduction rate	Due for rotation	Replacements needed
May 1, 1971	284,000	24,000	9,700
June	269,700	22,500	8,200
July	255,400	21,300	7,000
August	241,100	20,100	5,800
September	226,800	18,900	4,600
October	212,500	17,500	3,200
November	198,200	16,500	2,200
December	183,900	15,300	1,000
January 1972	168,600	14,100	0
February	154,300	12,900	0
March	140,000	11,700	0
April	125,700	10,500	0
May	111,400	9,300	0
June	87,100	7,300	0
July	72,800	6,100	0
August	58,500	4,900	0
September	44,200	3,700	0
October	29,900	2,500	0
November	15,600	1,100	0
December	1,300	100	0
January 1973	0	0	0

Mr. HATFIELD. Of particular importance and interest is meeting the ground combat needs of our forces in Southeast Asia. And here, again, we have conflicting reports. During the House debate, Defense Department figures were introduced into the RECORD which indicated the total replacement needs for our forces in Vietnam. I am referring now to some of the statistics on this chart. Projecting these figures at the present 14,300 troop withdrawal rate per month, there would be no need for further replacements in Vietnam after December 31, 1971.

Consequently, if there were no inductions after July 1, 1971, there would be no effect on our troop levels or combat needs in Vietnam. This is because it takes 6 months or more to induct and train a man for a combat role. Yet during the debate in the Senate, new figures have come to light.

It was first brought out in debate by the distinguished Senator from Wisconsin (Mr. NELSON) on May 25, that the Pentagon had indicated to him that 1,700 replacements would be needed in Vietnam after December 31, 1971. Later in the same debate the distinguished Senator from Mississippi and chairman of the Senate Armed Services Committee (Mr. STENNIS) stated that 13,700 replacements would be needed after December 31, 1971. Another office on May 24, received a different data, but it was labeled as being classified material which could not be used.

Assuming for the sake of argument the highest figure of 13,700 replacements as given by the distinguished Senator from Mississippi (Mr. STENNIS) no one will argue, I believe, that many of these will be ground combat troops. The most pessimistic estimate by the administration for our ground combat troops being in Vietnam was by former Secretary of the Army Resor when he stated, upon returning from Southeast Asia, May 5, 1971, the responsibility for ground combat operations would end by "the end of the summer."

Consequently, draftees will not have to be sent to Vietnam as ground combat troops. Replacements will be needed, but not combat troops. This would further indicate that the draft is no longer needed to meet our manpower requirements even in Southeast Asia. These replacements for Vietnam could be gotten from the regular enlisted ranks of true volunteers.

Another aspect of the questions surrounding the composition of our Armed Forces under an all-volunteer system is its racial and economic makeup. The President's Commission on an All-Volunteer Armed Force thoroughly studied this matter. And here, Mr. President, let me emphasize again, that we should get out of the realm of impressions and opinions and get to the basic supporting data of our propositions, where we are talking facts and not fancies. This Commission report, which to my knowledge no one has challenged with any effectiveness, or even challenged, for that matter, with or without effectiveness, concluded that the overall racial composition of an all-volunteer military would vary insignificantly from its present status. The Gates Commission projected that a force of 2.5 million men would be comprised of 14.9 percent blacks while a mixed force would have 16.6 percent black. Even if every eligible black were to enlist, the Commission points out, they would constitute no more than 22.4 percent of the total force by 1980.

On the other hand, the alternative to a volunteer military, the draft, is contrary to the interests of equity for the black and the poverty stricken. A study and analysis entitled "Local Board Composition and Institutional Racism," by Paul T. Murray, an assistant professor of sociology at Fisk University draws some very poignant conclusions.

First. Even if every local board was all black, the current disproportion of black draftees would not be significantly reduced as long as members remained obedient to national directives.

Second. Within the Selective Service System, the major sources of institutional racism are the standards of deferment, particularly student deferments, conscientious objector status and hardship and dependency deferments. Blacks are at a disadvantage in each of these cases.

Third. In the medical standards for induction, whites consistently receive nearly 50 percent more deferments than do blacks.

Mr. Murray concluded by pointing out that even internal reforms presently advocated would not change the basic inequity toward the black of the Selective Service System.

As for the economic brackets which will be enlisting in an all-volunteer military, volunteers would tend to come from higher economic brackets than presently. Present military compensation is already attracting those from below the poverty line. Raising pay and other incentives might well attract more from

below the poverty line, but it would also attract more from higher income brackets, who, because of their usually better qualifications would be accepted at higher rates than those less fortunate.

Anyone opposing an all-volunteer military on the grounds of its being prejudiced against the poor and the black have not only the facts to argue against, but also a critical dilemma.

To be opposed to poverty one would have to favor equitable pay for military personnel. If equitable pay is forthcoming, the need for a draft no longer exists because voluntary enlistments would meet all of our projected manpower needs.

If, on the other hand, one opposes equitable pay one implicitly favors not only the perpetuation but the creation of poverty within our military.

Again let me emphasize that there are literally thousands of families today with the wage earner serving in the military who are also receiving public welfare checks, because they qualify under the poverty definition.

In his testimony before the Senate Armed Services Committee, David Clarke, representing Rev. Dr. Ralph Abernathy, president of the Southern Christian Leadership Conference, stated:

> Of particular concern to the Southern Christian Leadership Conference is the "fear" that an all-volunteer Army will become an Army of the poor and the black . . . such condescending noblesse oblige is not only unappreciated, it is downright repugnant from the point of view of the black soldier who is ordered to die to preserve a "freedom" that he has never known. . . . It is completely digressive then to impose upon us one institution of involuntary servitude because, in our struggle for freedom from another such institution, we might find attractive a few crumbs and might, grabbing at such, eat up a whole piece of bread. It is just plain outrageous for a Congress, itself very unrepresentative of the poor and the black of this Nation, to sit here and command that some black men, contrary to their own will and conscience, will have to fight a war that is not their own and die for a "freedom" which is not only not generally available to them, but which, by the very process of their conscription, is denied them in order to assure that (1) not too many of their black brothers sign up and thus expose our impoverished home front and/or (2) that more white people are killed thus fabricating a sense of equality.

Morality aside, the facts belie any assertion that the poor and the black would bear an inordinate burden of national defense in an all-volunteer military—according to the Gates Commission. There are two times more whites than blacks classified as poor—38 percent blacks, 8.6 million; and 11 percent white, 17.6 million. Approximately 12 percent of the overall U.S. population is black. Today, they comprise roughly 11.7 percent of the Army's population—less than their ratio to the total U.S. population. The composition of an all-volunteer military would vary insignificantly on a racial basis. The percentage of blacks would increase by only 0.8 percent for a stable force of 2.5 million men and only 2.2 percent for an all-volunteer army.

I should like to add, Mr. President, that I think it is very interesting that the argument comes mostly from whites. I know of no black organization, I know of no black leadership of any organization, I know of no poor organization or leadership of a poor organization which supports the proposition that a draft should be maintained in order to keep from getting a volunteer army made up of all black or of all poor whites.

It is very interesting that this argument is used only by whites. It certainly does not come out of the sources which are supposed to be defending what they are concerned about.

I invite Senators to read a very eloquent speech by Representative DELLUMS of California, a black Congressman, a member of the black caucus, who very pointedly sets forth the disdain in which blacks hold the white liberals particularly who pontificate about their great concern for an all black army or an all poor people's army, and who support the continuation of the draft, which the black caucus, as I indicated before, and all the black leadership of all the black organizations of which I know definitely oppose.

Another question that often arises is, "What if an emergency occurs; won't the draft be needed?" The draft has never been nor could it be expected to meet an emergency. Throughout our history, the reserves and the National Guard have been our first source of military manpower to meet any such emergency. This was the case in World War II, in Korea, and in the Berlin airlift.

The draft was only used to sustain the initial influx of men from the Reserves and National Guard units. Under any conditions it takes a number of weeks, and in some cases months, to train a man for military service—irrespective of whether he is a conscript or a volunteer. Consequently, the draft is not needed to meet a sudden emergency. It is not structured in order to do that. It cannot do that. It has not done that in the past. If a sustained increase in our Armed Forces personnel were required, Congress would have ample time to reinstitute the draft if it deemed it necessary. Let me emphasize the point. We never divest ourselves of that power once we repeal the draft or do not extend the induction power of the President.

Increased attention has been given to the state of readiness of our reserves. Secretary Laird, many months ago, announced numerous efforts that the Defense Department was undertaking to enhance the preparedness of the reserves so they could be more effective in meeting any emergency that might arise. The Gates Commission also thoroughly examined the manpower needs of the reserves and the effect that would be expected if an all-volunteer military were to become a reality.

Drill pay is directly linked to basic pay. Consequently, under the Gates recommendations, the hourly pay for a reservist in his first year of duty would be raised by approximately $1, which he is now earning, to between $2 and $2.50, depending on his grade and length of service. By shifting to an all-volunteer force reenlistments would increase the 7.2 percent reenlistment rate of recent years to 12.7 percent of the average strength. Losses from a 2.5 million all-volunteer force would be 342,000 in the 1977–79 period which would provide 47,800 prior service enlistments for the reserves.

This year, if we had an all-volunteer force, the active separations from the Armed Forces would be 665,000 of which 92,000 could enlist in the Reserves. The basic pay increase would raise the 0.7 percent enlistment rate from the 17- to 21-year-old pool to 1.25 percent. In the transition period to an all-volunteer Reserve force, recruiting potential will be enhanced by the large flow of servicemen being separated now.

The planned Reserve enlisted strength for this year was 865,000. The reenlistment rate was expected to have risen 9.2 percent, so that 79,600 men would have reenlisted this year had pay increases been implemented during fiscal year 1970. Prior-service gains would have numbered 81,000; losses were estimated at 243,000. To maintain a level strength would require 81,600 civilian enlistments.

Using the most conservative figures, the Gates Commission estimated that we would have 90,300 civilians desiring to enlist in the Reserves—significantly more than needed.

These figures are still relevant to today's needs. Although, it is 1 year later, force levels are somewhat smaller, but essentially the same realities are true as 1 year ago. Consequently, extension of the draft is not needed to maintain the present levels of our Reserve forces, which it can be strongly argued are significantly over strength.

It might be argued that we could not possibly meet our Reserve requirements if the draft were not extended because 75 percent of our Reserves are draft motivated enlistees. But the tour of duty for a reservist or a National Guardsman is 6 years. Consequently, the turnover each year is significantly smaller in relation to that of the active Armed Forces. Although we can expect a decrease in the initial periods of transition, our Reserves would still not be threatened nor our capacity to respond to an emergency should one occur.

A direct function of the necessary accessions for our Armed Forces and our Reserves is the manpower strengths at which we are aiming. The administration has recommended an end strength of 2.505 million men for fiscal year 1972, while the Senate Armed Services Committee has recommended 2.4 million.

A more rational end strength for which we should set our aim for fiscal year 1972 is 2.3 million men or possibly lower. This would be a much more logical, efficient and practical expression of our 1½ war policy which the administration enunciated last year.

It would not jeopardize our national security, but because of its increased efficiency, would in all likelihood increase it. The case for this was fully expounded last year during the procurement debate, and I anticipate its being debated in the near future. Consequently, our shortfalls, even without any projected pay increases would be nonexistent this coming fiscal year as well as the next.

For many years the Pentagon recommended a Reserve strength much lower

than the Congress would allow. As the Gates Commission points out in its report, reorganization of the Reserve Forces could eliminate approximately 113,000 men in paid drill status without negatively affecting Reserve effectiveness.

If this were to occur, annual accession requirements for the Reserves would decrease by 89,000 for a Reserve Force supporting a 2.5 million man Active Force and 73,000 for a 2.25 million Active Force level. Be that as it may, under an adequately funded program where the basic pay were equitable and competitive with the civilian sector, there would be no problem meeting our Reserve manpower needs.

Even with present strength projections, no one has seriously argued that we would not be able to meet these objectives for the next fiscal year without a draft.

Arguments are heard that we would not be able to meet our fiscal year 1973 needs. But no one has told us what those needs will be. Even if we did know, troop strengths and recruitment procedures, consequently, should be reviewed toward the end of fiscal year 1972, and annually thereafter.

If the Congress decides that conscription is needed to maintain our Armed Forces during fiscal year 1973, it can reenact draft legislation.

To do so now would be out of keeping not only with the traditions of the Senate in reviewing the annual needs in all other fields, but would also represent an abdication of our constitutional responsibilities to make certain that we have not only raised the military manpower of this country but also that we set the levels based upon statistics and data upon which we have a good and clear vision as to their justification and their validity.

I suggest that we do not have such figures at the moment for 1972, let alone for 1973.

Economic and feasibility arguments notwithstanding, the draft should not be extended on grounds of justice alone—just pure and simple justice. Military conscription is a form of involuntary servitude and a symptom of totalitarianism. It was one of the reasons our Founding Fathers fled Europe. We should be a little more concerned about our history.

The cornerstone of our Republic is the value of each individual. The cornerstone of our Government is the value of individual choice. The service we demand of many of our young men today is in many ways similar to the enslavement of blacks in our Nation's early history. It is not choice. Any other way is still involuntary servitude when we require some to serve and others to escape.

While today we choose our servants by lottery and age, rather than by color, we do not give them enough money to support themselves or their families. And at the same time we ask them to die. While we fight for freedom around the world, we take it away at home. While we fight authoritarianism abroad, we nurture it at home with the draft. As Senator TAFT, the great Senator from Ohio, argued when he spoke against the draft, he said that is more characteristic of a totalitarian system of government than of a democracy.

Let me remind my colleagues again that a draft is a tax-in-kind. That is what the kings of Europe extracted from their subjects. That is why we established here a government that would be based upon taxation, that people would pay for the services of their government, that we did not believe in a tax-in-kind.

I think we have forgotten too much of our history. I think we have taken too much of our heritage for granted.

Yet we live with the draft today, which I think is the most odious form of military procurement.

When the draft was first undertaken in this country during the Civil War, there were riots that broke out in New York in which 1,000 people died and 10,000 were injured because, even in that day, people found it repugnant to accept a system that was characteristic of the European background from which they had fled.

Arguing to reform the draft by changing its internal structure and making selection on a random basis is like arguing in the early 1860's to put slavery on a lottery basis. By any other name, it is still involuntary servitude.

One does not reform inequity when it exists, as in the case of the draft, but one abolishes it.

That is what I call upon my colleagues in the Senate to do by supporting the pending amendment.

Mr. GRAVEL. Mr. President, will my colleague from Oregon yield?

Mr. HATFIELD. I am happy to my good friend from Alaska.

Mr. GRAVEL. Mr. President, we find ourselves in great debt to the Senator from Oregon. I have devoted many weeks of personal research to this question of the draft and I can say here, in all candor, that the paper just delivered by the Senator from Oregon (MARK HATFIELD), is and will be the finest presentation in the total debate rendered on the draft for a long time to come. He has addressed himself in the most able manner to this issue and has taken on the knotty problems.

One is the statistical game that is being played by the administration, by the Pentagon and, I say most respectfully, by the committees of Congress. That numbers game is designed to propel us with fear.

I have tried and withstood much in the process, but the work has been done. The work is right here. The numbers game has been totally exposed. There is no way for it to be covered up again because all that will be done henceforth will be merely the additional juggling of numbers. Once that is exposed, we can get to the kernel of the argument. Of course, kernels are being offered in great abundance by my good friend from Oregon. I just cannot thank him enough for his contribution here today.

I say with some sadness, and I know my colleague understands, that our other colleagues here will not read this document and will not give it the study it requires. Moreover, reading it will not be enough. It takes meditation and thought to put these figures together and realize the real hoax that is being perpetrated upon this body.

In fact, in going over the Senate report, on page 15, what struck me in my study was the use of the words "preliminary estimates." These are figures prepared in contradiction to the Gates Commission, which was a very studious and academic effort. But in the two tables on page 15, which have no title or source other than the fact that the figures were just thrown in there, like salt on a steak, the statement is made that these are preliminary estimates.

If they were estimates, that would lead to a great deal of conjecture. But the fact that they are preliminary estimates means that the authors of the figures would not dare to own up to their accuracy. Then there is the inconsistency of the Under Secretary, Mr. Kelley, from period to period.

However, I would like to reinforce one strong point made by my colleague from Oregon, and that is what the numbers game is intended to do, which is simply to give the rationale to provide the emotional thrust to maintain the draft. All the arguments rest on that one basis, the question of the draft.

The same thing occurred in 1947 and 1948 when we developed the attitude that we needed the draft. How did that attitude come about? Through, in my mind, a calculated effort on the part of the military and elements of the administration at that time, which of course was a Democratic administration, not unlike the Republican administration attitude today.

So the culprits are the same, regardless of party. It is well documented today that the military developed a whole series of activities to demonstrate or falsely to demonstrate the need; and that when the draft was acquired in 1948, so many volunteers were coming in that it was an embarrassment. What the actual outcome was over the two ensuing years, of course, was that there was a draft of only 30,000 men, because they had this flood of volunteers coming in and they went to devious lengths to stop them at the gate and not let them in because it would ruin the rationale that we needed conscription.

I want to quote a general—in fact, the War Department favored the system so strongly that it undertook a vigorous lobbying campaign and even set up a command post at Fort Knox under Gen. George Devine. I refer to his attempt to demonstrate that military training, as proposed by the War Department, is beneficial to the youth of this Nation. And, of course, the ensuing activities of the War Department at that time did make a case sufficient for Congress, unfortunately, to enact the draft, which was not needed, which attacked the fundamental freedoms so ably delineated in the Senator's presentation.

I shall not pursue this any further, but compliment the Senator—I do this not only as a Senator, but also as an American citizen—for what he has done in his documenting of the hoax that is being perpetrated on this country today.

Mr. HATFIELD. I thank the Senator

from Alaska. He is a cosponsor of the amendment to provide for an all-volunteer army.

The Senator from Alaska has held the floor many an hour in support of this basic proposition. I know that he has made a very excellent contribution in so doing.

The Senator from Alaska referred to this experience with the draft back in 1947 and 1948. I would like to add only one or two addendums to this point, because the Senator is so right in saying that the draft from the beginning of that period was perpetuated with either poor homework, inadequacy or fraud. I do not know which. However, when we consider that the Army in that same year reduced its recruiting budget by 26 percent in order to hold people out after the draft had been sold to Congress as a basic necessity for national defense and that during that same period they raised their qualification standards at different times in order to reduce the number of manpower coming in, I think we have to recognize that from the very inception the draft debate has been used to strike fear in the hearts of Representatives and Senators in order to get them to respond and react under this very grave mystique of national security that we have held up before us.

There is not a single Senator that is not concerned about national security. We are all committed to the idea that the Nation must be politically and militarily strong. But what is the formula for national security? Must we accept what others say in blind faith and abdicate our constitutional responsibiilty and accept what is told to us by so-called experts who have so many times been proved wrong?

Mr. GRAVEL. Mr. President, we cannot take it on blind faith, because today we are told that we need 2.5 million men under arms in order to safeguard the country. In 1948 when we had the draft, we had 1.3 million men under arms. Why is it that today when we have had an increasing technology and computerization, with electric battlefields, and when all we need to do is to push buttons, that this should be true? Obviously we should not put our faith in those whose views are changing all the time.

It is interesting that the Gates Commission in laying the parameters went from 2 to 3 million, leaving ample room. I feel that 2 million would give us all the safety we desire. However, I think a higher figure can be maintained with a voluntary force.

When the Senator from Oregon was citing the little machinations taken by the Pentagon to support the draft, he forgot one that, I think, is interesting. That is that they arbitrarily and capriciously refused to accept volunteers who had dependents in order to cut down the flow of these volunteers.

As I think has been stated, many in the Senate feel that universal conscription is good for the people in this country. They do not feel that it is good for them. They say, "Let us put them in, send them to training, picking up butts, taking basic training or tending bar for officers."

I refer to a statement in 1948 by General Devine, made to sell the draft to the Congress, that military training as proposed by the War Department was beneficial to the youth of this Nation. How patently ridiculous such a view could be, that we have to conscript people to cleanse them in their youth so that they can be better citizens.

We should conscript men if we have a war. We should conscript men to fight and for no other reason.

Mr. President, I thank the Senator from Oregon for making a tremendous contribution.

Mr. HATFIELD. Mr. President, I join with the Senator from Alaska.

Pursuing that point a little further, I am a little curious as to whether this is a military or a political decision that we are called upon to make here in the matter of extending the draft for 2 years.

I have talked with a number of military people, as I am sure the Senator from Alaska has. I have found that they have been unhappy with the idea of depending to this extent on draftees to fulfill their manpower requirements.

Any kind of an organization—I do not care whether it is the Army, Navy, Air Force, or a business organization—in which manpower represents a turnover rate of 90 to 95 percent is inefficient and working under a handicap.

Mr. President, it is interesting that General Lane, adviser to the Young Americans for Freedom—certainly not a liberal organization—a man with a very distinguished war record, should be a very strong proponent of a volunteer army.

I think it is very interesting that two former NATO commanders, who are no longer in uniform—General Norstad and General Gruenther—served on the Gates Commission.

I have talked with men in the Pentagon who said, "Don't use my name, but I can tell you very honestly that when we get back to the point when we can depend on volunteers, we will be a better Army, Navy, or Air Force."

After all, the Army is primarily the branch that is using draftees. Even if we want to use the figure for forced volunteers versus true volunteers, still we have a branch of the service that would welcome true volunteers. There would be less turnover, less griping, and less dissension within the military.

I think the military realizes it is suffering today, much like the politicians, from a poor public image. I think frankly that one of the things the military would like to do would be to get rid of the Selective Service System which produces such an important source of the antimilitarism in this country which is oftentimes blind, emotional, and passionate antimilitarism directed at all military personnel, which is inaccurate.

I am a veteran. I think the military is concerned about the future of the Army, Navy, and Air Force, realizing that the sooner they can have their organization filled with volunteers, the better off they will be and the better public image they will enjoy.

Speaking as one who worked with an organization for many years on the campus filling out form SS–109 every year for every one of them setting forth their grades in the progression score the local boards use, I realize most of the inequities to the students themselves. I realize the difference between a music major and a chemistry major and know that a man with a mark of 2.932 would be deferred and that someone below the line, with 2.192 would not be deferred.

Why is it selective? As the Senator from Alaska has pointed out, from the very inception of the draft in 1947 and 1948, we could not use all of those who would have been eligible under any kind of standard or qualification. Therefore, it had to be used for the convenience of the Government. I call it a discriminatory system. I think that either discriminatory or selective could be used in this case. I think in this case they are synonymous.

I feel that here again we are dealing with something that is really for the future of the military and its betterment, and for its benefit. It is not that I have mounted this campaign or that the Senator from Alaska has mounted this campaign because we are antimilitary. I am promilitary from the standpoint of military requirements for the defense of this country, but not from the standpoint of giving blind allegiance to anything they want from Congress.

I raise the question that I am not sure in my mind that the Pentagon really wants this by the contradiction of their own testimony and evidence, and I wonder if this comes from higher up.

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

Mr. HATFIELD. I yield.

Mr. GRAVEL. If I may address myself to the statement, that is the only conclusion to which a person can come on this subject. It came about quite simply. One can see it in the Gates Commission report. It is filled with objectivity. It is an academic document. They have academicians on their staff. They read the President's statement about ending the draft, and the statements he made during the campaign about ending the draft; so they went about their task in an objective, intelligent, and precise manner. They came to a conclusion, and that conclusion is simply that on July 1 of this year we could have a volunteer Army. They did not come to that conclusion this year; it was a year ago in February, which offered much lead time and a transitional plan to effect it.

What happened? The game plan downtown changed. It was not the military because the military was a part of the Gates Commission. It was a political decision made by politicians, like we who grace this body, who felt, "We cannot quite do it, it takes away our power, and we must have the draft and it must be extended for 2 years." So the ground shifted.

All those who testified made a plausible case, and then they had to take two steps to the right. That is why the Under Secretary gave figures in the House of Representatives and then had to run over to the Senate and give other figures because those figures were being used to beat

them over the head. So the ground shifted and changed. That is what my colleague has addressed himself to. It is the charade of figures which present a totally false case.

In all my readings the Senator from Oregon is the only one who has been able to bring the matter together with some expertise to demonstrate what has been a hoax with figures. My colleague used the phrase "played with figures," and the possibility of fraud. I do not know. I think calling people liars is too harsh, but it is obvious they are not telling the truth.

I see people making statements about the safety of this Nation when in truth they impair the safety of this Nation, because the draft is the root cause of the disaffection our Nation holds for the military. This disaffection erodes the strength of this Nation.

If I were an enemy of the United States and wanted to devise a plan to corrupt the foundation of this Nation I would say that first we have to institute a draft that would bring about a malaise, that would develop an antimilitary feeling that would cause this representative Nation to lose its desire to want to defend itself. That is a terrible conspiracy, but that is what happened.

One merely has to observe the disaffection of which I speak to realize the impact it has had on our ability, our resolve, and our desire to defend ourselves. That desire has been eroded, and it is the reason we have the draft.

Again, the fact that my colleague has addressed himself to what I think is the crux of the problem by going to the figures and bringing his perspicacity and ability to bring this matter to a head does all of us a service.

Mr. HATFIELD. Mr. President, I deeply appreciate the comments of the Senator from Alaska. I would like to respond with one thought.

Here we have two volumes that I hold in my hand, volumes 1 and 2, referred to as the Gates Commission report. It is filled with task force data that were made available from the Pentagon, not from the Quakers' home office. This is from the Pentagon. They were going to give full and be given full cooperation and support to the entire Gates Commission thrust.

The Gates Commission was headed by former Secretary of Defense under President Eisenhower, Thomas Gates. It also had as members two distinguished generals, Gen. Alfred Gruenther and Gen. Lauris Norstad, both of whom were formerly Supreme Allied Commanders in Europe. These men were extremely familiar with the operation of the Pentagon.

Other members of the Gates Commission were Theodore Hesburg, president of the University of Notre Dame, the president of Hampton Institute, and the headmaster of Phillips Academy in Massachusetts; as well as Jeanne Noble, professor, New York University, National Advisory Council on Selective Service; Roy Wilkins, who was executive director of the NAACP; Allen Wallis, president of the University of Rochester; Alan Greenspan, chairman of the board, Townsend-Greenspan & Co., economic consultants; Crawford Greenewalt, chairman, finance committee, Dupont Co.; Milton Friedman, University of Chicago; Frederick Dent, president, Mayfair Mills, Spartanburg, S.C., and Thomas Curtis, vice president and general counsel, Encyclopaedia Britannica. Another member was Stephen Herbeits, student, Georgetown University Law Center. These are all distinguished Americans.

We have two volumes of data and statistics. I have seen nothing comparable to them from the other side. If anything, I have seen a trickling in of letters on a day when we were going to vote on the pay bill, by the Assistant Secretary of Defense, Mr. Kelley. I have not heard one person challenge the validity of the Gates Commission report. Let the other side come forward. I would be happy to accept one volume. They have not been able to show us anything but a few letters, and material that was totally contradicted.

Mr. GRAVEL. And "preliminary estimates."

Mr. HATFIELD. And they ask Congress to extend this odious conscription on the basis of what has been passed on to us by word of mouth as contrasted to the material contained in the Gate Commission Report that has not been challenged by anyone that I know.

I am grateful to the Senator for his contribution in the colloquy this morning.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has consumed 1 hour and 28 minutes.

Mr. HATFIELD. Mr. President, I would like to go back into one or two points to summarize. Then, I will yield the floor to anyone who wishes to be recognized.

I am going to summarize the gist of the presentation this morning, which we have attempted to show not by opinion or impressions, or personal ideas, but rather by statistics which have been gathered by competent sources from the Pentagon.

We have pointed out this morning the contradiction of these figures. The Pentagon said we needed so many combat forces at one time and a month later they set forth another set of figures. Two months later they set forth other figures. It is in keeping with what has happened on the floor of the Senate. We have had pay proposals and all sorts of opinions given and these have come from various sources again, from the Pentagon through the testimony before the Committee on Armed Services in the House of Representatives. One position was taken there and then when that position was not strong enough to sustain arguments they wrote a letter to the Chairman of the Committee on Armed Services on the day we were called upon to vote. So we have had this kind of trickling information, this kind of pleading data, and contradictory material on which we are being asked to make an important decision relating to the young people of this country. More than the young people are involved. Many people are affected.

I submit that until we get a dependable set of statistics and data upon which we can jointly make a decision I have at least another 10 amendments I am going to offer to this selective service proposal.

I want to put the Senate on notice now that, if it takes us until December to consider the amendments, I am willing to fight the battle until December. I am not going to yield to the generalizations and to the appeals to fear on which we have been asked to support the proposals with such vague, undefined labels as "national security," and to listen to the advice of fine admirals and generals wanting this or that, or the Pentagon wanting this or that. I want to see the statistics on which I, as one American, can rely and make judgments, and not out of a call to unity to get behind and support the military and the Pentagon. That is not a sufficient basis upon which we are called to make such a decision.

I also want to call attention to the fact that I will go back to reading the whole volume by Liddell Hart, who was probably the most distinguished historian the world has known in recent years, and who passed away a few weeks ago, in order to bring to the attention of my colleagues the history of military programs. We have not learned from history. Let me remind my colleagues that Napoleon's army was a draft army. The czar's army was a draft army. The army of Frederick Wilhelm was a draft army.

If one wants to put his freedoms to the test, it is not on the basis of a volunteer army; it is on the maintenance and use of a system that is inequitable, unfair, and certainly uneconomical, and is tearing this country apart.

If people are interested in the future of our military and the defense of our Nation, they will join us in abolishing the draft. When there is an inequitable system, one does not try to reform it or improve it; he abolishes it.

There is no black organization that supports the maintenance of this inequitable system. There is no poor people's organization that supports maintenance of a draft system. In their own words, they are tired of white liberals telling them what is best for them. They want a volunteer system.

I think we ought to look to the people we are supposed to be representing, to get their own feelings and views. I think we should look to ourselves to institute the draft if conditions require it. Certainly those conditions do not exist at the moment.

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

Mr. HATFIELD. I yield.

Mr. FULBRIGHT. What the Senator has said about the draft is quite correct historically. It was one of the things that precipitated the action the French took with respect to ending the Indochina war. The French concluded the war by negotiations. If the negotiations had not succeeded they would have had to decide whether to send conscripts to fight in Vietnam. In other words, the draft was part of the considerations that caused the French to negotiate an end to that war.

The Senator from Oregon was talking about certain other armies, and I thought it was appropriate here to mention that. As a matter of fact, I have had the

Library of Congress prepare a rather detailed history of the Geneva Conference and the role of the French National Assembly in ending the Indochinese war, together with some statements. I was going to inquire of the Senator, if it met with his approval, if I might have an opportunity to introduce those into the RECORD for the consideration of our colleagues, when the Senator completes his statement.

Mr. HATFIELD. I shall be glad to yield whatever time is necessary for the Senator to do that.

Mr. FULBRIGHT. I do not want to interrupt the Senator. I wondered if it was agreeable to do that now or at a later time.

Mr. HATFIELD. This would be a very appropriate time.

Mr. FULBRIGHT. The Senator mentioned the question of Napoleon's army and other armies that had drafted personnel. I think it is relevant, at least to our present debate on the floor, to mention what the French experience was.

I have stated on other occasions that I have supported the draft generally—not with regard solely to Vietnam, but generally I have supported it—on the theory that I am very apprehensive about having a purely professional army. I do not believe the experience of countries with solely professional armies is too good. I have been bothered, as a long-time proposition, as to whether we should proceed to make the military establishment even more powerful and influential in our society. That is a difficult question. But, on the present question of the war in Vietnam, I am in favor of anything we could do to prevent continuation of the war in Vietnam.

If the Senator wishes, I shall be glad to make a short statement, introducing some of what I think he will find interesting facts about the French experience.

I did not understand that the time was under control. Is the time under control, Mr. President?

The PRESIDING OFFICER. We are under controlled time. The Senator from Oregon and the Senator from Mississippi have control of the time.

Mr. HATFIELD. Mr. President, I would be very glad to yield whatever time is necessary to the Senator from Arkansas.

Mr. STENNIS. Mr. President, if the Senator will yield to me for a parliamentary inquiry, when the Chair states that we are under controlled time, does he mean for today until 3 o'clock?

The PRESIDING OFFICER. For today, for tomorrow, and for Friday until 1 o'clock.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I am sure there is no trouble about the time. I will yield the Senator from Arkansas time. It is entirely agreeable to me for him to go ahead now before I speak.

How much time does the Senator want?

Mr. FULBRIGHT. About 10 or 15 minutes.

Mr. STENNIS. I am glad to yield the Senator 10 or 15 minutes, or even 20 minutes.

Mr. FULBRIGHT. This is purely a public service. This is nonpartisan. It is an historical matter, concerning the experience of the French, and especially what the General Assembly of France did to bring the war to an end. They played a very decisive part, which is the same kind of part that the Senator from Oregon is seeking to have this Congress play, and which I have announced I support.

Mr. STENNIS. The Senator from Oregon does not have to make any explanation of his position.

Mr. HATFIELD. Mr. President, I yield whatever time the Senator needs.

Mr. FULBRIGHT. Shall I go ahead now?

Mr. HATFIELD. The Senator may.

Mr. FULBRIGHT. Mr. President, this business of controlling the Senate's time is getting out of hand. I spent my first 20 years in the Senate, along with the Senator from Mississippi, trying to prevent muzzling of the Senate through changing rule XXII. Now I find that, by making long-time unanimous-consent agreements, with few Senators present at the time, one or two Senators can control the time. I would like to suggest to the leadership that they are overdoing the question of controlled time. Any Senator ought to be free to come in, under reasonable circumstances, and talk about one of the most important subjects we must face. I do not wish to pursue that at the moment, but I find it interesting that after so much time and effort we spent in trying to preserve freedom of debate in the Senate, we now find that, by unanimous-consent agreements, entered into when very few Senators were present, we come to the same result, and in an even more restricted sense.

Mr. President, about this matter of the time, as I said to the Senator from Oregon——

Mr. STENNIS. Mr. President, will the Senator yield on that point for just a moment?

Mr. FULBRIGHT. Oh, surely.

Mr. STENNIS. This matter of the time was not the election of the floor manager of the bill. If it had been possible, the Senator from Oregon would have reached the floor earlier, but he requested this time, and I think has been very agreeable about these things, and I just want to assure the Senator from Arkansas that we did the best we could, and I think we are fortunate to be able to get to a vote as early as we will. It is a lot of time on the amendment that is true.

Mr. FULBRIGHT. I am not speaking as to this particular case so much as the practice of making long-term unanimous-consent agreements.

Usually, in the old days, at least—and maybe it is because I have been here so long that I keep referring to the old days—a unanimous-consent request was confined to more or less the immediate period. We did not undertake to control the time of the Senate for the future indefinitely.

I suppose I could make a unanimous-consent request that from now until the end of this session, all the time be divided between me and the Senator from Mississippi, and, if everyone agreed, there would be nothing anyone could do about it.

I think the Senate must consider that there has to be a limit as to how far we use this device to overcome or withhold the application of other rules in the Senate.

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

Mr. FULBRIGHT. I yield.

Mr. HATFIELD. I join the Senator from Arkansas in his basic point. I would like to make it very clear for the RECORD that I sought no time limitation on my amendment. It was the management of the bill and the leadership of the Senate that asked for a time limitation. I asked for no time limitation. I would have been happy to go ahead and debate this issue for the next 3 months, but the leadership wanted a time limitation. So I agree with the Senator from Arkansas.

Mr. FULBRIGHT. I am glad that the Senator from Oregon has made that statement, because what I seem to detect is that by these agreements, Senators are quite safe in going off to the Bahamas, or to Nassau, or to Florida, and they know the vote is not coming until Friday, and there will not be anyone here. Here we are, confronting one of the most important issues of the year, and there are four Senators present on the Senate floor and the Presiding Officer, a total of five out of 100.

I venture to say there will not be any more Senators here until the vote. It is coming to where Senators come to the Chamber only to vote, under this procedure. When Senators never know when there is going to be a vote, and there is no definite limitation, they had better be around in order not to miss the votes. Maybe if that were the case a few of them would then come over and find out what the issues are, instead of taking the word of the whip about it.

I would suggest to the Senator from Oregon and other Senators, particularly as to matters in which I have a special interest, that they not agree to these long-term requests, but let the Senate proceed as it used to proceed. That is what the rules provide. Rule XXII protects the basic significance of the Senate's role in our system. If we change that rule, and get into this business of closing debate by moving the previous question, we will have destroyed the real significance of the Senate. I still think that, and I believe that this practice is an encroachment upon that basic procedure, and that we ought not to make these agreements that we are not going to vote until next Friday, because in the meantime no one is here to debate. The whole value of debate—refinement of views, and so on—is lost. That is what the Senate is for. I do not think we can justify our existence if we are to follow this procedure indefinitely.

We are talking about two or three very important things. One is the draft itself, whether or not it is consistent with the democratic system and the democratic process, or most consistent with an authoritarian system. That is very important. Another issue that is very important is whether or not to use this device

to try to persuade the President to stop this terrible war, which is destroying the country. It is not an illegitimate device to use, because we have put the draft in and taken it out repeatedly from time to time through our history. We have not had a permanent draft, though it has been rather permanent lately, because we have been involved in wars of one kind or another. We left it off from World I until World War II. But this measure has relevance as a possible means to stop the war.

The Senator from Oregon and his colleague, the Senator from South Dakota (Mr. McGOVERN), are taking the lead on this issue of using Congress to stop an unconstitutional war. The question is, how can we best use it? How can Congress best exert its influence to bring that about?

As I have said before, I think it is primarily by demonstrating to the President, the Chief Executive, that he ought to settle the war through negotiations. I look upon it primarily as a means of persuading the President. If we could enact this measure and make it stick as a law over the President's veto, an end to the war could be effected that way, but that is an extremely difficult thing to do.

Its passage by the Senate, however, by a substantial majority or by any majority, would be very persuasive on any President, it seems to me, that the sentiment of the country is changing, and that he ought to proceed and ought to reexamine his own convictions about the war. That, in the first instance, is why I support the Hatfield-McGovern bill in the remarks I am about to make.

Before I go into those remarks, however, I do have another matter, simply in the nature of an insertion in the RECORD, if my colleague from Oregon will bear with me.

This morning, as I was cleaning off my desk, I was struck by two articles which bring home to me as forcibly as anything has—not that this is new, but it is stated in a little different way—the importance of the drug addiction problem in Southeast Asia.

The first is an article from my hometown newspaper, the Northwest Arkansas Times of Fayettville, Ark., entitled "Heroin May Be Final Winner in Vietnam." I shall read just a portion of it, and then ask unanimous consent that the entire article be printed in the RECORD.

The article begins:

A new congressional report says so many American soldiers in Vietnam are being hooked on heroin that President Nixon should withdraw all U.S. troops unless the drug traffic is halted.

The report, prepared for the House Foreign Affairs Committee, says many high-ranking Laotian, Thai and Vietnamese officials have a major hand in illegal drug sales to GIs. In some cases, it says, U.S. planes and diplomatic pouches are used to ferry opium and heroin into Saigon.

That is quite some statement. And that is not a way-out, left-wing assertion, as they call it, of the kind that the Vice President ridicules. This is a report by the House Foreign Affairs Committee, which has, over the years, been extremely devoted to the official policies of this or any other administration.

The article continues:

An earlier report from the House Armed Services Committee also described corruption in the drug trade among South Vietnamese officials, but stopped short of indicating how heroin gets into Vietnam. . . .

Most of the opium from which heroin is produced is grown in Burma and processed in Laos or Thailand. . . .

To get the drugs into Vietnam, Steele's report said, South Vietnamese and Laotian Air Force planes are frequently used.

All of those planes, of course, are supplied by the United States—

A lesser amount is smuggled in on Air America, a Central Intelligence Agency-financed airline in Southeast Asia, the report said, adding there is evidence some diplomatic pouches carried from embassy to embassy also have been used for smuggling. . . .

Steele has estimated between 15 and 20 per cent of Americans in Vietnam have used heroin.

Mr. President, I know there is nothing new in this article, and that there have been other reports; but this is a more precise and exhaustive report than I had previously seen.

To bring the matter up to date, in this morning's New York Times there is an article entitled "Nixon, Drugs, and the War," written by Mr. James Reston. I shall read a part of it:

In his news conference tonight, President Nixon said it was important to keep the problem of drug addiction among American troops in Vietnam in perspective. His Administration, he said, was concentrating on getting at the sources of drugs in the world, that it was going to prosecute the drug "pushers," treat the drug "addicts" and try to inform the American public on the general problem of drug addiction.

In general terms this is fair enough, but it does not deal with the tragic realities of the troops on the battlefield.

The quickest way for an American soldier to avoid combat in Vietnam and get back home these days is to take to drugs. If he's hooked on heroin, he's finished—finished with fighting, finished with the Army, a casualty of the war, finished with everything but the drug habit.

This is one of those tragic consequences of war where, in Nikita Krushchev's vivid phrase, the living may envy the dead. Retiring Army Secretary Stanley Resor recently testified that between 10 and 15 per cent of the American troops in Vietnam have a serious heroin habit, and this is at best an official guess—

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The Nixon Administration has not been indifferent to the menace of drugs in America. It has tried to get at the problem at the source. It has used its political and economic power to cut off the supply of drugs in Turkey, Lebanon and elsewhere in the Middle East.

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But in Vietnam, where it has much more control over both the peddlers and the soldiers, the Nixon Administration has not been effective. In Saigon, at least, it has much more authority than it has used to attack the source of drugs . . .

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. . . critics and defenders of the President's Vietnam policy, have urged him, without success, to get at the facts of drug addiction among the soldiers, and cooperate in legislation to deal with the drug casualties of the war.

This is so serious a problem that, unlike most political issues in Washington, it is beyond politics. Both parties, all factions for and against the Nixon policy of "winding down the war," agree on the human tragedy of drug addiction among the soldiers in Vietnam, and the dangers of sending them back home before they are cured, but this is what is happening. To save their lives by avoiding combat, many of the Americans in Vietnam are ruining their lives by drugs, and are being sent home to families and communities that have no means to cure or even understand the tragedy of their returning sons.

Mr. President, I ask unanimous consent to have both articles printed at this point in the RECORD.

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

HEROIN MAY BE FINAL WINNER IN VIETNAM

WASHINGTON.—A new congressional report says to many American soldiers in Vietnam are being hooked on heroin that President Nixon should withdraw all U.S. troops unless the drug traffic is halted.

The report, prepared for the House Foreign Affairs Committee, says many high-ranking Laotian, Thai and Vietnamese officials have a major hand in illegal drug sales to GIs. In some cases, it says, U.S. planes and diplomatic pouches are used to ferry opium and heroin into Saigon.

The report recommends the President "take personal command of the struggle to eliminate the illegal international traffic in narcotics, particularly heroin, and commit the full resources of the country to that battle."

If these efforts fail, the study said. "The only solution is to withdraw American servicemen from Southeast Asia."

Rep. Robert Steele, R-Conn., is principal author of the report compiled after he and Rep. Morgan F. Murphy, D-Ill., toured Southeast Asia earlier this year.

EARLIER REPORT

An earlier report from the House Armed Services Committee also described corruption in the drug trade among South Vietnamese officials, but stopped short of indicating how heroin gets into Vietnam.

"In Laos, government armed forces are major wholesalers of opium and heroin and have been directly involved in large-scale smuggling activity," the new study says. "Reliable sources report that at least two high-ranking Laotian officials, military and governmental, including the chief of the Laotian general staff, are deeply involved in smuggling activity."

Most of the opium from which heroin is produced is grown in Burma and processed in Laos or Thailand.

"In Thailand," the report said, "a former diplomat and member of one of the most respected Thai families is reputed to be one of the key figures in the opium, morphine base, and heroin operations in that country and throughout Southeast Asia."

To get the drugs into Vietnam, Steele's report said, South Vietnamese and Laotian Air Force planes are frequently used.

A lesser amount is smuggled in on Air America, a Central Intelligence Agency-financed airline in Southeast Asia, the report said, adding there is evidence some diplomatic pouches carried from embassy to embassy also have been used for smuggling.

Some Thai soldiers carry heroin into Saigon without fear of being caught, according to the study.

Steele has estimated between 15 and 20 per cent of Americans in Vietnam have used heroin.

NIXON, DRUGS AND THE WAR

(By James Reston)

In his news conference tonight, resident Nixon said it was important to keep the problem of drug addiction among American troops in Vietnam in perspective. His Administration, he said, was concentrating on getting at the sources of drugs in the world, that it was going to prosecute the drug "pushers," treat the drug "addicts" and try to inform the American public on the general problem of drug addiction.

In general terms this is fair enough, but it does not deal with the tragic realities of the troops on the battlefield.

The quickest way for an American soldier to avoid combat in Vietnam and get back home these days is to take to drugs. If he's hooked on heroin, he's finished—finished with fighting, finished with the Army, a casualty of the war, finished with everything but the drug habit.

This is one of those tragic consequences of war where, in Nikita Khrushchev's vivid phrase, the living, may envy the dead. Retiring Army Secretary Stanley Resor recently testified that between 10 and 15 per cent of the American troops in Vietnam have a serious heroin habit, and this is at best an official guess—at least 20,000 and maybe twice the number in the American Expeditionary force are now in danger of drug addiction.

The facts and military regulations of this problem are alarmingly vague. President Nixon has conceded that the problem exists. The military authorities have established a rehabilitation program to deal with it. Extreme cases of drug addiction are compelled in join the program, but the easy way in dubious cases is merely to get the man home and out of the service.

Getting them out of the service at least blurs and disperses the problem. If the soldier wants out and does not volunteer for the drug rehabilitation program, the veterans hospitals are not full of addicts, but the soldier is thrown back on his own with an expensive habit he cannot cure or afford.

Divided as the nation is about the war, confused as it is about past and present war objectives, the country ought to be able to agree about rescuing the men who were drafted into the battle, and giving them the health and jobs essential to a decent life. This is not being done now. Rehabilitation and employment centers are being established, the problems of the veteran drug-addict and the veteran unemployed are recognized in Washington, but the sick and unemployed casualties of the war are not really being dealt with effectively.

One of the major drug problems of the American soldier in Vietnam is that heroin in Southeast Asia is strong, easy to get and take by smoking, rather than by needle, and cheap. It eases the agony of combat, and promises home-leave if it gets beyond control. But hooked on this powerful, cheap stuff in Vietnam, a discharged veteran in any normal American community has the means neither of curing the habit nor of affording the habit, without stealing.

The Nixon Administration has not been indifferent to the menace of drugs in America. It has tried to get at the problem at the source. It has used its political and economic power to cut off the supply of drugs in Turkey, Lebanon and elsewhere in the Middle East. It has worked effectively with the Pompidou Government in Paris to break up the processing of drugs in Marseilles and elsewhere in the Mediterranean. It has trebled the number of agents watching the drug trade across the Mexican border and through customs at the international airports in this country, and it has poured Federal money and manpower into breaking up the drug peddlers in this country.

But in Vietnam, where it has much more control over both the peddlers and the soldiers, the Nixon Administration has not been effective. In Saigon, at least, it has much more authority than it has used to attack the source of drugs, to intervene in the drug corruption, which reaches into the highest levels of the Saigon Government, and to insist that the American soldiers, who are the casualties of the war-drug culture, go into the drug-rehabilitation program.

More than that, the Administration has not cooperated in a serious, private examination of the Vietnam drug problem with the Congress. Nobody on Capitol Hill expects the President to approve public hearings on the question, but serious men in the Congress, both critics and defenders of the President's Vietnam policy, have urged him, without success, to get at the facts of drug addiction among the soldiers, and cooperate in legislation to deal with the drug casualties of the war.

This is so serious a problem that, unlike most political issues in Washington, it is beyond politics. Both parties, all factions for and against the Nixon policy of "winding down the war," agree on the human tragedy of drug addiction among the soldiers in Vietnam, and the dangers of sending them back home before they are cured, but this is what is happening. To save their lives by avoiding combat, many of the Americans in Vietnam are ruining their lives by drugs, and are being sent home to families and communities that have no means to cure or even understand the tragedy of their returning sons.

Mr. FULBRIGHT. Mr. President, all this brings to mind—and I cannot help referring to it very briefly—the first serious intrusion into the Far East by the Western nations. In 1838 and 1839, I believe 1839, the British, having been repulsed by the Chinese and having been told that the Chinese had no need of their highly sophisticated manufactured goods which consisted of cheap textiles and other gadgets, and being unable to balance their payments in any other way, took to the smuggling of opium into China, and that began the opium war. The Chinese tried to resist it. They tried to prevent it. They confiscated an enormous shipment at Canton, threw it into the ocean. The response of the British was to send a flotilla of five gunboats or frigates into Canton and in effect took over within the next few years the government and control of China.

It is rather interesting historically that our great friend, our ally, the British, opened up Asia by insisting that they accept opium in payment for their tea and their silk. They did it by smuggling originally and then by force.

We have gone into this alien area about which we knew almost nothing and are ending up infecting our young men with the heroin habit. Heroin, as everybody knows, is simply a derivative of opium.

I note this increase of crime in the United States. I cannot believe, although I cannot prove a direct connection, that it is not unrelated in many cases to the growth of the heroin habit.

Recently, within the week, an old friend of mine who has a small bank in a small town of just a few thousand people, in Ash Flat, Ark., was interrupted in his home about 8:30 on a Sunday night by two young men who took him—in effect, kidnaped him—and made him later that night open the bank. They took $25,000 and abandoned him later. They did not kill him, fortunately.

I cannot say that that was caused by heroin addiction, but it is an area in which this type of thing has almost never happened in the past. We expect these things to happen in Washington and New York. I suppose we have had a hundred bank robberies of one kind or another in Washington this year—either banks or savings and loan institutions. But this has rarely happened in smaller towns. It is the first such instance which has come to my attention in recent months in a town of this size and in a rather remote area—one of the most blessed areas of my State.

It simply set a train of thought that led me to contemplate not only how sad and tragic it is for the boys themselves and their families but also what a tremendous danger an enormous number of heroin addicts will present to the tranquillity of our land.

If there were no other reason—and there are many other reasons—why this war should be ended and why the Hatfield-McGovern bill should be adopted, it seems to me that that, in itself, is a sufficiently grave reason for this war to be ended, and ended soon.

Mr. President, there is much that the Nation's policymakers could have learned from the French experience in Indochina but did not. George Santayana wrote:

> Those who cannot remember the past are condemned to repeat it.

Seldom has that maxim been so close to the mark as it has been in Vietnam. When we stepped into the shoes of the departing French in 1954 we began to repeat their mistakes. Now history is slowly coming full circle with our own withdrawal from Vietnam. But, it is not too late to learn from France's experience. She was able to extricate herself from the quagmire of a 7-year, indecisive war only through a negotiated settlement. We should follow her example.

It is extremely interesting that this is 1971, and the Tonkin Gulf incident was in 1964. So it has been approximately 7 years since our official entry into the conflict.

The Congressional Research Service of the Library of Congress recently completed a study for the committee on the role of the French National Assembly in ending the first Indochina war. This provocative study, prepared by Pauline A. Mian, points out many striking parallels between the respective roles of the French National Assembly and the American Congress during the course of the two wars.

Despite the extensive powers of the National Assembly, the study states:

> As a body it exerted little control or influence over the course of the war, or over the search for peace.

Until the passage of the first Cooper-Church amendment in late 1969 Congress had let the executive branch run the war as it pleased, giving it all the money it wanted for whatever purpose it chose to use it.

In 1946, the National Assembly passed a law which gave the Council of Ministers power to decree the end of World War II in Indochina and the fighting which followed thereafter was considered to be a "prolongation or a consequence" of World War II. The study reports:

With the adoption of the May 1946 law, the National Assembly virtually forfeited its power to question the legality of this undeclared war.

With Congress passage of the Southeast Asia resolution, it was effectively estopped from contesting the legality of the executive branch decision to march the Nation into a full-scale war.

These analogies seem to me to be extremely interesting. I remind my colleagues that a majority of five can change the chief executive in the French Parliament. The prime minister exercises the chief power. He certainly did at that time, before the new constitution, which gave the president far greater powers than he had at the time or when the first war went on in 1946. They had the capacity and power legally to change their chief executive. But the president at that time had much less power than he does today in France.

As to the National Assembly's control over the purse strings, the study relates that—

Various devices were adopted by successive cabinets to make parliamentary control over the war through its control over the budget, and more specifically military expenditures, next to impossible. Military expenditures for the war were included in the general defense budget, and not itemized. Or they were tucked in the appropriations for several Ministries, such as Overseas Territories, as well as National Defense. Another common practice was to draw up an unrealistically low budget for military expenditures, and then come back to the National Assembly every month or every few months, to ask for additional appropriations, often for money which had already been spent. The National Assembly had little choice but to vote for expenditures which had been made. Under these circumstances, no Cabinets were voted down on appropriations specifically designated for the war, although many Cabinets did fall on financial and economic issues which, once again, could be traced back in part to the heavy drain on resources caused by the war effort.

That is the end of that particular quote, which could easily be applicable to the practice here at home, the procedure of low estimates not only in our own governmental activities but also the low estimates made by such people as Lockheed and Grumman in order to get contracts and then to get the enormous overruns, which is an example of how it leads us down the garden path, as they say, by making us think it is going to be a fair amount of money but then there are two, three, or four times in overruns over the amount estimated at the time the contracts were let.

Those of us in the Senate who objected to the haste with which the Congress was forced to consider the Cambodia aid bill last fall, much of which was to pay back funds borrowed from other programs, and already spent, can appreciate the problems faced by the National Assembly.

The study also shows that there was in France, as there was here in the mid-1960's, an unwillingness by the Government to admit that it was actually engaged in a war.

The study noted:

The vocabulary of the IVth Republic is significant; the war was most often referred to in common parlance as "a rebellion," "the events in Indochina," "the Indochinese affair," "the conflict," and the French war effort as "a pacification operation," or a "maintenance of order operation." The use of these terms reflected the IVth Republic's unwillingness to acknowledge it was, in fact, engaged in a full-scale war.

That is the end of that quote, again showing how we have participated in much the same kind of activities of trying to fool ourselves about the nature of the war, referring to it in minimal terms, and so forth.

It is reminiscent of the early years of our involvement where we were engaged in "advisory" and "pacification" programs to neutralize the Vietcong and preserve the independence of South Vietnam. Then came combat support and finally full-scale combat—but never a declaration of war, not to this day.

Even the arguments for and against the war have a familiar ring. During an October 1953 debate in the Assembly over war policy, Prime Minister Laniel said that—

France was fighting in Indochina so that Vietnam, a member of the French Union, should not succumb tomorrow to a tyranny which would make an empty word of the independence which we have given her. We wish that the people of Vietnam should freely choose for themselves the regime they desire; that those who have placed their confidence in the word of France should not have their lives and property endangered; and that the immense work accomplished by France should be preserved. . . . Do you believe that we shall long retain our position in Africa if the whole of Asia becomes hostile to us?

Pierre Mendes-France, who succeeded Laniel because of the Laniel government's failure to bring the war to a conclusion, was saying as early as 1950 that—

There were only two solutions: "either to apply force or to try to bring about an agreement." Using force, in his view required three times more troops and three times more expenditures, and France did not have these. If the fighting in Indo-China were only one aspect of the fight against international Communism, he thought it would be more in France's interest to concentrate its troops in metropolitan France.[1]

There was one major difference in the French and American handling of the war; the French Government never sent draftees to fight.

The study shows:

French public opinion about the war changed from dislike to aversion, and a desire to see it end grew steadily, as the war dragged on—seemingly interminably—as scandals connected with it broke into the headlines, as stories of atrocities committed on both sides also made their way into the newspapers, and as more and more people began to question the purposes of the war. As a consequence, ". . . not one Prime Minister dared take it upon himself to consider, or even mention, the possibility of sending conscripts to Indochina."

It is interesting to contrast the French Government's appraisal of France's national interests in Indochina, where she had extensive economic and cultural ties, to the actions of our own Government, which from the beginning of the war sent draftees to fight.

[1] Keesing's contemporary archives, October 28–November 4, 1950, p. 11047.

The National Assembly finally stirred itself and responded to growing public demands for an end to the war. In June 1954, the Assembly forced the resignation of the Laniel government because of the war. Mendes-France became Premier on June 17, 1954, with the promise either to obtain a cease-fire agreement by July 20 or to ask the Assembly to approve the sending of draftees to Indochina. The prospect of sending draftees to fight "stunned the deputies."

In his investiture speech to the Assembly, Mendes-France said:

For several years a negotiated peace of compromise with the enemy has appeared to me a necessity, requiring in turn that our finances should be put in order, our economy reorganized, and our economic activity expanded. The war has placed an unbearable burden on our country.

I could adopt that statement precisely for my own today to fit our situation exactly.

Those comments are very pertinent to our own Nation's plight. Agreement was reached at Geneva on July 20—and I invite attention to the time required between the decision of June 17 and July 20—when agreement was reached, but only by stopping the clock at midnight.

There are lessons yet to be learned from France's experience. The National Assembly acted only when the French people demanded an end to the war. Its rejection of the Laniel government's policy led directly to the agreement at Geneva. A compromise negotiated settlement, along the lines of the Geneva accords, is, I believe, still the most sensible and assured way to bring peace to Southeast Asia. Without some type of formal settlement, I fear that the United States will either be bogged down in Southeast Asia indefinitely or, on the other hand, be forced out under more humiliating circumstances than those confronting us there today. Congress can, by setting a firm withdrawal date, reactivate the Paris talks and set in motion a process of political accommodation between the Vietnamese that will stop the killing and bring American prisoners home.

Mr. President, I ask unanimous consent to have printed in the RECORD the Library of Congress study on "The Role of the French National Assembly in Ending the First Indochina War," and a 1968 Library study by Mr. Larry A. Niksch, "The Geneva Conference of 1954."

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

THE ROLE OF THE FRENCH NATIONAL ASSEMBLY IN ENDING THE FIRST INDOCHINESE WAR (1947–1954)

INTRODUCTION

An assessment of the rule of the French National Assembly in ending the first Indochinese war entails a brief examination of the major political parties represented in the National Assembly along with their views on the war, a review of the means granted to the National Assembly by the constitution of the IVth Republic to control government policy on the course of the war and the search for peace, and finally, a look at the debates which took place in the National Assembly.

ATTITUDES OF THE POLITICAL PARTIES REPRESENTED IN THE NATIONAL ASSEMBLY TOWARD INDOCHINA

French policy towards Indochina was made by successive governmental coalitions, whose members were drawn from parties sitting in the National Assembly. Divergence of views among the parties and within the parties, shifting party alliances within the Assembly, power politics and domestic political considerations, all affected the conduct of the war and efforts to bring about peace.

Cabinets, under the IVth Republic, owed their existence to the consent of a majority (314) of deputies sitting in the National Assembly. Since, at no time, did one party dominate the National Assembly, successive governments drew their support from a majority composed of several parties on the basis of a common program to which the greatest possible number could adhere. Coalition governments, based on the participation and/or support of several parties, were precarious at best, since the parties could agree on some issues, but not on others. More often than not a consensus was reached on what they were against rather than on what they were for. In order to keep a working majority going, an attempt was made to avoid divisive issues, to skirt their underpinnings, and to present them in such broad general terms that there was very little to oppose or disagree with. Unfortunately, Indochina was one such divisive issue which plagued successive coalition governments from 1947 to 1954.

At one end of the political spectrum were the Communists, who, after an initial period of vacillation and ambiguity which corresponded with their participation in the governing coalitions of 1946 and 1947, vociferously denounced the war as imperialist and colonialist, and advocated an immediate cease-fire and a political settlement through direct negotiations with Ho Chi Minh.[1] At the opposite end of the political spectrum sat the Conservative parties, composed primarily of Independents, Gaullists and dissident Gaullists, who were strong partisans of the French empire favoring a military victory as the only way to bring about peace, and consistently criticizing successive governments for indecisiveness and failure to support the war effort with adequate measures.

However, most coalition governments from 1947 to 1954 did not include either the Extreme Right or the Extreme Left, and did not depend on their votes for support. The Communists did participate in coalition governments in 1946 and the beginning of 1947, and a sprinkling of Conservatives did become Cabinet members after 1952. From 1946 to 1947, France was ruled by a coalition made up of Communists, Socialists, and Christian Democrats; from 1948 to 1951, by coalitions comprising Socialists, Christian Democrats and Radicals, and from 1952 to 1954, by coalitions which included Christian Democrats, Radicals, Moderates and several Conservatives. The three major parties which held office during most of these years, and therefore most responsible for French policy, were the Socialists, the Christian Democrats and the Radicals.

On the subject of the war in Indochina, the Socialists were divided. While in government, Socialist ministers found themselves in direct contradiction with their ideological principles of anti-colonialism and anti-imperialism, reiterated at every Party Congress. Despite the Party's frequent declarations endorsing liberal policies and recognizing the principles of independence for Vietnam, while in office Socialist Ministers betrayed these tenets and actively pursued policies they thought would preserve French interests. The Socialists, along with the Christian Democrats, are responsible for the failure of the Fontainebleau conference. They endorsed Admiral Thierry d'Argenlieu's idea that the necessary condition for peace negotiations was the return of public order. During his tenure as Prime Minister in 1947, the Socialist Mr. Ramadier rejected and kept silent about overtures made to him by Ho Chi Minh. While critical of the Bao-Dai solution, and skeptical about its chances of succeedings, the Socialists nevertheless endorsed it. It was only when the Socialists passed into opposition that Socialist deputies pressed more urgently for a negotiated settlement. But here again they were divided. While some advocated direct negotiations with the Vietminh, others favored bringing the matter to the U.N.

The Christian Democrats differed from the Conservatives who wanted to maintain the French Empire in that they accepted the principle of internal autonomy for Indochina as foreseen in the constitution of 1946, but they rejected the idea of complete independence, and turned out to be the staunchest advocates of the war. Since they participated in most governments and occupied crucial posts for long periods of time, such as the Foreign Ministry, the Ministry for Overseas France, and appointed High Commissioners for Indochina, it can be said that they were the party most responsible for French policy in Indochina. They also defended Admiral Thierry d'Argenlieu in 1946, who along with General Leclerc had been sent to Indochina to restore French sovereignty over the area, and who, contrary to General Leclerc, saw the problem of the Vietminh rebellion primarily as a military one, requiring the use of force "to restore order." The Christian Democrats most actively pursued the Bao-Dai alternative, and held out the longest for a military victory. They opposed an internationalization of the war, but sought and hoped help would come from the United States. When they finally came to the conclusion that a negotiated political settlement was necessary, they delayed initiating talks on the grounds that a decisive victory in the field was needed for France to negotiate from a position of strength. In supporting the French war effort in Indochina, the Christian Democrats were not merely representing economic interests or Catholic interests; they believed they were defending French and Western civilization.

The Radical Party had been the dominant party under the IIIrd Republic, and as such, the one most closely associated with the building of the French Empire. At first, the Radical Party went along with the war. When Mr. Mendes-France first spoke out in 1950 against the war, his was a voice in the wilderness within his own party. Gradually, however, many Radicals were won over to Mendes-France's arguments, which focused on the detrimental effects the war was having on France, how the war was crippling France's efforts to rebuild its war-torn economy and regain its rank among the major European powers. The shift in the outlook of the Radical Party was decisive in giving the partisans of a negotiated settlement a majority.

Thus, the parties were largely divided between Right and Left on the subject of Indochina. (On domestic economic and social matters the Christian Democrats were aligned with the Left, and the Radicals with the Right). The opportunism displayed by the advocates of a negotiated settlement, namely, the Socialists and the Communists in the early years of the war when they were strong and participated in policy-making, must largely be attributed to the necessity for compromise inherent in the nature of coalition governments. The Leftist partisans of Indochinese independence were not strong enough to form a government on their own, and had they withdrawn their support from the coalition, the future center of gravity of coalition governments would have shifted to the Right. Although they disagreed for the most part with the Christian Democrats on the subject of Indochina, they sacrified their principles on what they considered a secondary issue for the ability to keep leverage on what they felt were primary issues, such as economic and social reforms at home.

The 1951 legislative elections did bring about a shift to the Center and the Right in the composition of the National Assembly. Once a sufficient number of Moderates and Conservatives, who were now in power, perceived the impossibility of achieving a military victory, the partisans of a compromise political settlement slowly gained a majority.

MEANS AT THE DISPOSAL OF THE NATIONAL ASSEMBLY TO CONTROL FRENCH POLICY IN INDOCHINA

The constitution of the IVth Republic, adopted in October 1946, granted large powers to the National Assembly. It was the only legislative body.[2] It alone had the power to declare war. Its control over the Executive branch was extensive: the appointment of a Prime Minister depended on the endorsement of his cabinet and program by a majority of deputies, who could also force his resignation by a vote of no confidence or the adoption of a motion of censure. Despite the numerous means at the disposal of the National Assembly, as a body it exerted little control or influence over the course of the war, or over the search for peace. The reasons for this must again be attributed largely to the divisions within the National Assembly, not only on the subject of the war but on internal matters as well. The lack of a coherent majority blunted the powers of the Assembly, and successive governments pursued their policies relatively unimpeded.

LEGALITY OF THE WAR

The National Assembly's wide powers did not include jurisdiction over the administration of Indochina. French Indochina, which was composed of four protectorates: Cambodia, Laos, Tonkin and Annam, as well as one colony, Chochinchina, had by and large been ruled by a series of residents and governors appointed by the Cabinet in accordance with decrees dating back to the 19th century. No change of legal status for these territories, as foreseen in the constitution of the IVth Republic, could be implemented until French sovereignty had been re-established over the area following the defeat of the Japanese. The unrest and fighting which accompanied the demand for independence after the French return to Indochina were considered a prolongation or a consequence of World War II. In May 1946, the constituent Assembly passed a law which stated that "the legal date for the cessation of hostilities (in Indochina) will be set by decree by the Council of Ministers."[3] With the adoption of the May, 1946, law, the National Assembly virtually forfeited its power to question the legality of this undeclared war. In this connection the vocabulary of the IVth Republic is significant: the war was most often referred to, in common parlance as "a rebellion," "the events in Indochina," "the Indochinese affair," "the conflict," and the French war effort as "a pacification operation" or "a maintenance of order" operation. The use of these terms reflected the IVth Republic's unwillingness to acknowledge it was, in fact, engaged in a full-scale war.

CONTROL OVER THE GOVERNMENT

a. *vote of investiture.*—A Prime Minister-designate was required to submit his proposed program and the names of the Cabinet members to the National Assembly in what was called an investiture speech, and was not appointed until he had received the Assembly's confidence in a public ballot by an absolute majority (314) of the deputies. This procedure enabled the National Assembly to exert an a priori control over the executive, since the investiture speech was supposed to spell out the Prime Minister's program and

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the policies he intended to pursue. In practice, most investiture speeches were as vague and general as possible, since they had to appeal to several parties if a majority for investiture was to be reached. The Indochinese war was often referred to, but not dwelt upon. Only two investiture speeches made during the war years addressed themselves primarily to the Indochinese problem: that of Prime Minister-designate Ramadier at the beginning of the war, and that of Prime Minister-designate Mendes-France after the defeat of Dien Bien Phu, in 1954. Mendes-France even attributed his unsuccessful attempt to form a government in 1953 to the views on Indochina expressed in his investiture speech. In allowing Prime Minister-designates to gloss over the Indochinese question, the National Assembly lost one of its most effective weapons in exerting an a priori control over the government.

b. *Vote of confidence.*—At first sight, a vote of no confidence was another means at the disposal of the National Assembly to exert control over the Executive's policies, albeit an a posteriori control. A vote of no confidence, which also required an absolute majority of votes, entailed the immediate resignation of the Cabinet. In fact, it was a tool in the hands of the Prime Minister to impose whatever discipline he could on dissenters within the ranks of the parties supporting or participating in his government. Only he, after consultation with his Cabinet, could ask for a vote of confidence, and many Prime Ministers used and abused this privilege. No one group within a party, or no one party as a whole, liked to be held responsible for the fall of the government in which it participated. Furthermore, a vote of no confidence carried with it the threat of a dissolution of the Assembly and a call for new elections, a prospect which few parties envisaged with great relish. Nevertheless, many Cabinets did fall on a vote of no confidence, many of them on war-related issues, or problems which had the war as their origin, such as financial reform, budgetary expenditures, inflation, but only one—that of Joseph Laniel in June 1954—succumbed to a vote of no confidence specially on the subject of the war. And even then, Laniel was technically not defeated, since the vote of no confidence had gathered a majority of votes, but not an absolute majority.

c. *Motion of censure.*—The motion of censure was another procedure in the hands of the deputies to exert as a posteriori control over the executive. It differed from the vote of confidence in that it was to be submitted by a deputy or group of deputies, instead of by the Prime Minister, and was placed on the agenda by the Presidents of the parliamentary committees, and if adopted by an absolute majority of votes, entailed the collective resignation of the Cabinet. In practice, the motion of censure was seldom used under the IVth Republic against the Indochinese war. Prime Ministers too easily persuaded Committee presidents (chairmen) to defer the date for debate on the motion for long periods of time, or even postpone it indefinitely. The few times motions of censure on the war were introduced, they failed to acquire an absolute majority of votes.

d. *Debates.*—Debates, where the Prime Minister and members of his Cabinet came to the floor to answer questions and engage in debate, were another means of probing the intentions of the government and asking it to clarify its policies. Debates were scheduled on the agenda of the National Assembly by parliamentary committee chairmen, upon receiving a request for answer to questions from individual deputies. Debates generally ended with a vote on a resolution, expressing the judgment of the deputies on the arguments and opinions they had just heard. Here again, debates on the subject of the war were not welcomed by Prime Ministers, who often succeeded in having them postponed under various pretexts. Requests for debates were usually submitted by deputies belonging to an opposition party, while the parliamentary committee chairmen who scheduled the debates were more than likely members of parties supporting or participating in the governmental coalition. Nevertheless debates on the subject of the Indochinese war did take place, generally in response to events—political or military developments—or in connection with a vote on military appropriations. But debates were difficult to manage as a vehicle for probing the government's policies; Prime Ministers' statements were purposefully vague and optimistic. Deputies were often left dissatisfied or only half-reassured, but their knowledge of events on the spot was often sketchy, which made it difficult for them to question or cross-examine governmental declarations. Opinions and judgments on the conduct of the war were more often derived from preconceptions reflecting party affiliations or domestic political considerations than from an objective assessment of the situation in Indochina.

Military appropriations.—Various devices were adopted by successive cabinets to make parliamentary control over the war through its control over the budget, and more specifically military expenditures, next to impossible. Military expenditures for the war were included in the general defense budget, and not itemized. Or they were tucked in the appropriations for several Ministries, such as Overseas Territories, as well as National Defense. Another common practice was to draw up an unrealistically low budget for military expenditures, and then come back to the National Assembly every month or every few months, to ask for additional appropriations, often for money which had already been spent. The National Assembly had little choice but to vote for expenditures which had been made. Under these circumstances, no Cabinets were voted down on appropriations specifically designated for the war, although many Cabinets did fall on financial and economic issues which, once again, could be traced back in part to the heavy drain on resources caused by the war effort. The Communists consistently voted against any appropriations connected with the war in Indochina, but only when they were out of office. On a vote of confidence our military appropriations for the war, called by Prime Minister Ramadier in March 1947 while the Communists were still in the government, Communist Ministers voted for, and Communist deputies abstained. And it was not until 1954 that the Socialists voted against appropriations specifically earmarked for the war.

Special investigating commissions.—Several parliamentary commissions were established to report on the conduct of the war and the situation in Indochina. The first one was set up in 1949 to investigate the use made of military appropriations. It consisted of two Christian Democrats, two Radicals, and two Socialists. Their report concluded that France might be close to a political solution (the Bao-Dai experiment) but that no solution appeared on the military front.[4] Several scandals, connected with the Indochinese war, also prompted the creation of other parliamentary investigating commissions, but members of the commissions, far from receiving governmental cooperation in elucidating facts and responsibilities, met with a wall of silence on the part of successive governments. The first scandal was popularly called the "affair of the generals." General Revers, of leftist political leanings, had also been sent to Indochina in 1949 by the government, to report on the military situation. Parts of the confidential report, which was highly critical on the conduct of the war, were broadcast over the Vietminh radio. An investigating commission was established to find out how the Vietminh had gotten hold of the report. It was unable to discover the authors of the leak, many persons involved in the affair having been allowed to leave France and were thus unavailable for questioning, and many implicating papers having been burned. But the commission's report did cast a doubt over the role of several ministers, among them the Socialist Mr. Moch, who had been Minister of the Interior in the government of Mr. Queuille at the time of the leak in 1949, and was Minister of National Defense in the subsequent cabinet of Mr. Pleven in 1950 when the commission's report came out. A Communist motion calling for Mr. Moch's arraignment before a High Court of Justice[5] received a relative majority of votes, but not the required number. Nevertheless this was sufficient for Prime Minister Pleven to turn around and ask for a vote of confidence on the integrity of the members of his cabinet, which he got, and the matter was dropped.[6]

Another scandal was that of the piastre traffic where speculation was made possible by the disparity between the piastre's official rate of exchange and the real value of the piastre. The traffic was brought to the attention of the National Assembly in 1950, but was not made the subject of an investigating commission until July 1953, after the French government's sudden decision to devalue the piastre in May 1953. The commission's report was equivocal. It did not point to direct responsibilities, but characterized the government's attitude towards the traffic as one of "passivity" and concluded that the traffic could not have flourished had it not been favored or tolerated by public authorities. The report was submitted to the National Assembly in June 1954, a month before the Geneva agreements, and was never discussed.

Public opinion.—French public opinion was by and large indifferent to the Indochinese war. Indochina was a far away place, and the war only hit the average Frenchman indirectly. Yet a latent dislike for it and malaise permeated French public opinion, which was manifest in the fact that not one Prime Minister dared take it upon himself to consider, or even mention, the possibility of sending conscripts to Indochina. Mr. Mendes-France's threat to do just that in July 1954, should the Geneva conference end in failure, stunned the deputies sitting in the National Assembly.

The dislike turned into aversion, and a desire to see it end grew steadily, as the war dragged on — seemingly interminably — as scandals connected with it broke into the headlines, as stories of atrocities committed on both sides also made their way into the newspapers, and as more and more people began to question the purposes of the war.[7]

But public opposition to the war did not really make itself felt until 1953. In 1950, the Communist Party tried to whip up popular opinion against the war by staging massive demonstrations and organizing strikes in ports against the transfer and shipment of men and materiel to Indochina. These did not spread to non-Communist workers, and the Communist Party was stigmatized for its lack of patriotism. The Communist Party was more of a handicap than a help in promoting the cause of peace, since its motives were always suspect. The question of where its loyalties lay—with France or with the Soviet Union—was ever present in the minds of other Frenchmen.

The other parties refrained from bringing the question of the war to the public—at least until 1953. During the electoral campaign of 1951—the only legislative elections between 1947 and 1954—the war was not a major issue. If it had been one, the results would have been interpreted as showing a pro-war sentiment in France, since the par-

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tisans of a negotiated settlement at that time—the Socialists, the Communists—fared relatively poorly at the polls. Several municipal elections took place during these years, but they were dominated by local issues and personalities.

Individual initiatives.—Individual deputies did not seek to enter into contact with the Vietminh on their own, but agreed to act as emissaries when asked to do so. In February 1953, the Radical Jacques Raphael-Leygues agreed to accompany South Vietnamese nationalist Prince Buu Hoi in his efforts to seek a clarification of Vietminh intentions on the subject of negotiations. In the fall of 1953, the Minister of National Defense Rene Pleven, asked Pierre Cot, a Progressive (Communist fellow-traveller) to act as an intermediary between the French government and Ho Chi Minh, to sound out the possibility of opening negotiations. Pierre Cot gave his assent, but the project fell through. Mr. Pleven then turned to the Socialist Alain Savary, who accepted the mission. Prime Minister Laniel endorsed the idea, but when Foreign Minister Bidault got wind of the plan, he was indignant, on the grounds that the "Savary mission" would give Ho Chi Minh the impression that France was on its knees. Bidault held up Savary's visa for the trip for several months. It was not until April 1954 that Savary arrived in Moscow to meet with a representative of the Vietminh. By that time, the battle of Dien Bien Phu had begun, and the Vietminh representative was not interested in opening talks. Savary returned to Paris after the defeat of Dien Bien Phu.[8]

DEBATES IN THE NATIONAL ASSEMBLY

The first major debate on the war in Indochina took place in March 1947 at the instigation of the National Assembly. The Assembly was being asked to vote increased military expenditures for the dispatch of reinforcements to Indochina, and wanted to know why the situation there had steadily deteriorated since the March 1946 agreements, and what did the government propose to do about it in addition to sending more troops. Socialist Prime Minister Ramadier was reluctant to engage in debate, and tried unsuccessfully to postpone it, lest the problem of Indochina bring into question Communist participation in his government. Already in December 1946, after the massacre of Frenchmen in Hanoi by Vietminh commandos, the Communists had voted against a resolution by the National Defense Committee of the National Assembly to send a "message of sympathy" to the forces in Indochina. The day had been saved when the Communists deputies voted for a similar resolution adopted the very same day by the National Assembly as a whole,[9] but Prime Minister Ramadier did not feel confident about continued Communist support in the future.

The government defined its policy as one of peace but of firmness. The Minister for Overseas France Mr. Moutet (Socialist) placed the responsibility for the December 19, 1946, aggression as well as the deteriorating situation in general on the Vietminh. He claimed France was willing to negotiate such questions as internal autonomy for Vietnam, but not until "order had been restored."

The debate (and ensuing debates during the next couple of years) centered mainly around the question of with whom France was to negotiate. Three alternatives presented themselves: with Ho Chi Minh and the Vietminh; with representatives of all political, social, and religious groups in Vietnam, including the Vietminh; or with representatives of all groups except Ho Chi Minh.

Footnotes at end of article.

Considerable confusion reigned concerning the nature and character of the Vietminh. To what extent did the Vietminh speak for the Vietnamese people? What was its strength? Was Ho Chi Minh more of a Communist or a nationalist? How strong were nationalist sentiments in Vietnam? Was the Vietminh's hold over Vietnamese peasants fed by anti-French sentiments or due to plain terror? Was the Vietminh's nationalism just a pretext and a tactic for imposing a totalitarian regime on Vietnam? These were moot questions. Their answers were often based more on one's personal political feelings than on a factual knowledge or understanding of the situation in Indochina.

The Right was opposed to any concessions. The Communists argued that negotiations should be undertaken with Ho Chi Minh only. The Socialists were divided: the Socialist party felt that negotiations should be open to all factions of the Vietnamese political spectrum, including the Vietminh, but the Socialist ministers, in agreement with the Christian Democrats, felt differently. In stating that "there are some men with whom it will be impossible to negotiate. . . . The Vietminh is not all of Vietnam and Vietnam is not all of Indochina",[10] Mr. Moutet, the Socialist Minister for Overseas France was expressing the views which were to guide successive governments in their Indochinese policy.

Between 1947 and 1949, the French government, led by Christian Democrats, engaged in negotiations with the ex-emperor Bao-Dai, who, it was hoped, would be able to rally Vietnamese nationalists around his person and thus prove a viable alternative to the Vietminh, while at the same time would remain pro-French and guarantee French interests. This policy was fraught with contradictions: how was Bao-Dai supposed to appear as a symbol of Vietnamese nationalism when he owed what power he had to the French and looked like no more than a French puppet? Bao-Dai himself was very aware of this and continually raised his demands. Negotiations proved to be long and difficult, and bogged down several times, as the French winced at making further concessions. Finally, agreements were signed in 1949, which granted Associated status to the states of Laos, Cambodia, and Vietnam within the French Union. Vietnam was to be created by linking Cochinchina and Annam, and eventually Tonkin. Details concerning the nature of Vietnam's ties within the framework of the French Union were to be left for further negotiations.

Debates in the National Assembly in March and April of 1949 over ratification of the agreements centered around the loss of colonial status of Cochinchina. Before deciding on the question of joining Vietnam, Cochinchina had first to be given the status of an Associated territory of the French Union. The Right opposed any cession of what they considered French territory. Mr. Gaston Palewski (Gaullist) termed the agreements a violation of the French constitution, with no legal value. Mr. Capitant, another Gaullist deputy, introduced a motion of censure against the government for refusing to open a full debate on the question of Indochina, which was the first time this procedure was invoked.[11] The Communists voted with the Gaullists, but the motion was rejected by 350 votes to 228. The debate on a second motion of censure, introduced by the Communists and based on a demand for an understanding with Ho Chi Minh and a cessation of hostilities, was postponed until November (eight months later) by 378 votes to 183. The Socialists were skeptical about the agreements for different reasons. Mr. Deferre questioned the utility of signing peace agreements with one's friends and not with one's enemies.[12] The government pleaded for a chance to let the Bao-Dai experiment work. The agreements were ratified, rallying the suppport primarily of the Christian Democrats, the Radicals and the Socialists, the Socialists on the grounds that maybe they represented a first step towards peace.

The Bao-Dai experiment proved to be a great disappointment. The emperor failed to enlist the suppport of prominent Vietnamese nationalists. Meanwhile, the war, which until then had consisted largely of local "cleaning-up operations" was developing into a large-scale military operation, and was making increasing demands on French resources, in terms of men, money and materiel. With the fall of the Chinese nationalists in 1949, Communist Chinese support to the Vietminh could be expected, and the prospects of an enlarged and prolonged conflict grew.

Severe military setbacks provoked debates in the National Assembly in October and November, 1950. Conservative deputies accused the government of abandoning French troops in Indochina by not sending them sufficient reinforcements. The Communists called the war "unconstitutional" and demanded immediate negotiations with the Vietminh. The Socialist Mr. Daniel Mayer, saw the conflict now as an international one, and suggested that the government bring the matter to the U.N.

The bombshell of the debates was a speech given by Mr. Mendes-France, a member of the Radical party, on October 19, 1950. Mr. Mendes-France urged direct negotiations with Ho Chi Minh on the grounds that France did not have the means to impose a military solution. He said that there were only two solutions: "either to apply force or to try to bring about an agreement". Using force, in his view, required three times more troops and three times more expenditures, and France did not have these. If the fighting in Indochina were only one aspect of the fight against international Communism, he thought it would be more in France's interest to concentrate its troops in metropolitan France.[13]

Another Radical, Mr. Daladier, promptly rose to his feet and stressed that Mendes-France was not speaking for the Radical Party, but for himself. Mendes-France was accused of having gone over to the Communists. But the thrust of his arguments differed from those of the Communists, in that they were based primarily on his concern over what the war was costing France. The war was preventing France from rebuilding its wartorn economy, achieving social justice and strengthening its military posture in Europe.

The Prime Minister Mr. Pleven reaffirmed the Government's determination to defend Tonkin. He declared that French troops were "carrying out an action at the same time military and political, whilst a transfer of powers is taking place to young governments which have not yet had experience of the heavy burdens that accompany independence. It is out of the question that this policy should be reversed . . ." He added that it was not due to the French government that negotiations with Ho Chi Minh had ended. He also said that "the forces of the French Union must be strengthened by the Vietnam army, to which we will supply instructors and, with American aid, arms.[14] Mr. Pleven ended his speech by making an appeal for the Assembly's support of the government's policy.

At the end of the debate, a resolution expressing confidence that the government would adopt without delay all measures to give maximum support to those fighting in Indochina was adopted by 349 votes to 215 with the support of the Radicals, the Christian Democrats and the Socialists. After the debates held on November 22 and 23, 1950, a resolution expressing the nation's gratitude to the forces fighting in Indochina, con-

demning propaganda intended to undermine their morale, and empowering the government to supply all necessary reinforcements was adopted by 337 votes to 187, with 53 abstentions. Mr. Pleven had emphasized that he was not sending reinforcements in order to obtain a solution by force, it was not a question of choosing between a military and a political settlement; "what was needed was sufficient military strength to make a political settlement possible." [15]

The military situation improved in 1951 when General de Lattre de Tassigny commanded the French Union forces in Indochina, but 1952 revealed again how temporary and elusive military victories were. Despite repeated reassurances on the part of the government that the enemy was on the retreat, the question of a political settlement came once more to the fore. The issue of negotiations and with whom dominated the debate which was held in the National Assembly on December 19, 1952. The Communists reiterated their request for direct negotiations with the Vietminh and a complete withdrawal of the French expeditionary corps. Mr. Daladier (Radical) thought that direct negotiations with Ho Chi Minh would mean "losing face" and might provoke a revolt in the rear (South Vietnam), and therefore advocated negotiations between Bao-Dai's government and the Vietminh, in preparation for elections and a plebiscite. The Socialists were divided between those who favored direct negotiations with the Vietminh and those who favored taking the problem to the U.N. Mr. Frederic-Dupont (dissident Gaullist) thought that negotiations should be held with the Soviet Union which "has organized the war and feeds it." Mr. Este (Independent Republican) for his part, called for an attempt to negotiate with Communist China. Mr. Dronne (Gaullist) deprecated any talk of French inability to win the war as the "best method of losing it". He thought that by stepping up the French "vietnamization" program, a military solution could be achieved. Mr. Delachenal (Independent Peasant) suggested that France's allies fight with her in Indochina.

Mr. Letourneau, the Minister for the Associated States, defended the government's policy. According to him, the Vietminh had been "reduced to acts of banditry". He reaffirmed the government's refusal to negotiate with the Vietminh, on the grounds that it would undermine the morale of the French Union forces, and lose all support for France in Vietnam. France had no choice but to continue the struggle, while "seeking to reduce her expenditure in men and money". [16]

By 1953, war-weariness had spread considerably within the general public. Besides the seeming endlessness of the war, scandals such as the piastre traffic, and numerous reports of atrocities contributed to the growing unpopularity of the war. Yet, the National Assembly did not act immediately on this public demand for an end to the war. In his bid for investiture as Prime Minister in June 1953 (after the resignation of Mr. Rene Mayer) Mendes-France stressed the need for ending the war, and proposed drawing up a "precise plan for the solution of this lamentable conflict" which he would submit to France's allies at the upcoming Bermuda conference. Mr. Mendes-France's bid fell short by 13 votes.

The declarations of Mr. Laniel (Independent), who did receive the necessary votes for investiture by the National Assembly, were somewhat less forceful, but did reveal that the idea of negotiations had made some headway among Moderates and Conservatives. He asserted that the burdens imposed on France by the war would be brought up at the Bermuda conference and that France would examine every possibility of ending the war in Indochina, either in the course of negotiations following a Korean armistice or "by other negotiations carried out in agreement with the governments of the Associated States." [17]

The final discouragement came during the Fall of 1953. While Emperor Bao-Dai was in Paris for preliminary negotiations with the French government on the subject of a new pact, which would grant Vietnam greater independence but also supposed Vietnamese adherence to the French Union, a National Congress was called in Saigon which included representatives from Bao-Dai's government and leaders from most political groups and dissident sects. On October 15, the Congress adopted a resolution calling for the annulment of the Franco-Vietnamese agreements of 1949 and complete independence for Vietnam as a prior condition for new negotiations with France. The following day another resolution was adopted which stated in part that the independent state of Vietnam would not participate in the French Union. Although the latter statement was modified to read "the French Union in its present form" the French greeted this news as a stab in the back. Various justifications had been given them concerning French war aims, from maintaining the integrity of the French Union to containing the spread of international Communism, but they had always assumed that they were fighting to preserve French interests and influence in the area. They suddenly woke up to discover that they had given Bao-Dai what they had denied Ho Chi Minh, and that even a non-Communist Vietnam might not be so grateful and might not necessarily guarantee a continued French presence there. Why, then, the sacrifice of so many French lives?

The strong feelings aroused by the Vietnamese national Congress resolutions and confusion over France's war aims were reflected in the debates which took place in the National Assembly on October 23, 27, and 28, 1953, at the request of the Socialist Mr. Savary, and against the wishes of the government.

Mr. Savary asserted that the Saigon resolutions lifted all objections to direct peace negotiations between France and the Vietminh.

The government's declared attempt to bring about five-power negotiations should not be made a pretext for postponing direct negotiations. Mr. Laforest (Radical) proposed that the government arrange for a speedy withdrawal of its forces over a fixed period of time, and offer to open armistice negotiations with the Vietminh to test Ho Chi Minh's intentions. Mr. Daladier (Radical) now saw no dishonor in offering peace to Ho Chi Minh.

The Right blamed the government for carrying out a weak and vacillating policy, and insisted that a show of determination on the part of the government was the best means of bringing about a cessation of hostilities. Mr. Frederic-Dupont (dissident Gaullist) called on the government to warn the country that the war would be a long one and would involve heavy sacrifices. Others termed suggestions for an evacuation as tantamount to an "Asiatic Munich".

In reply to the debate, Premier Laniel termed the Saigon Congress' resolutions "deplorable" and informed the National Assembly that the government had expressed its feelings in a note to Bao-Dai, in which it was emphasized that if the conception of the French Union was called into question, France would consider itself released from its obligations and especially from its military responsibilities.

Turning to the reasons France was fighting in Indochina, Prime Minister Laniel declared:

"We fight, so that Vietnam, a member of the French Union, should not succumb tomorrow to a tyranny which would make an empty word of the independence which we have given her. We wish that the people of Vietnam should freely choose for themselves the regime they desire; that those who have placed their confidence in the word of France should not have their lives and property endangered; and that the immense work accomplished by France should be preserved. . . . Do you believe that we shall long retain our position in Africa if the whole of Asia becomes hostile to us?

On the subject of the military situation, Prime Minister Laniel criticized the pessimism of certain newspapers as "inaccurate and tendentious". In his view, the French forces, growing in strength in men and equipment, would retain the initiative, and the Vietminh had passed the peak of its strength. "The war will not end by the extermination but by the discouragement of one of the belligerants . . ."

On the subject of peace negotiations, Prime Minister Laniel declared that the government "was ready to seize every opportunity to make peace, whether in Indochina or on the international plane. But it can do so only in full agreement with the Associated States . . . If one day Ho Chi Minh and his followers recognize the impossibility of victory and the futility of the struggle, and if they make proposals, it would then be for the French Government and the other interested Governments, notably those of the Associated States, to examine them, to consider their value, and to give them the reception which, by common agreement, they appear to deserve."

Several resolutions were presented after the Prime Minister's speech. Among them were a Socialist resolution asking the Government "to undertake without delay negotiations both on the international level and with the adversary", a Communist one asking for the conclusion of a peace treaty with the Vietminh, and one which was finally adopted by 317 votes to 257, with 36 abstentions, submitted by Mr. Kuehn, (dissident Gaullist) calling upon the government to develop the armed forces of the Associated States so that they could progressively take over the French military effort, to make every effort to reach a general peace in Asia by negotiation, and to achieve the defense and independence of the Associated States within the French Union. [18]

Another debate was held in March 1954, at the request of the Socialists, after Foreign Minister Bidault had secured the consent of the Big Four at the Berlin Conference in February to hold a conference including Red China on the subject of Indochina at Geneva in April, concerning the government's views on Ho Chi Minh's declarations to a Swedish newspaperman expressing his willingness to open negotiations for a cease-fire without a prior withdrawal of the French Expeditionary corps, and on Mr. Nehru's February 22 appeal for a cease-fire. Prime Minister Laniel dismissed Ho Chi Minh's declarations as a "propaganda gesture" and said that Mr. Nehru's appeal did not comprise an offer to mediate, and that the formula "cease-fire first, negotiations afterwards" was unacceptable, since it did not comprise guarantees for the security of the Expeditionary corps and the South Vietnamese.

Mr. Mendes-France suggested that the Geneva conference was being used as an excuse for prolonging the war, and argued that neither the Soviet Union nor China had any interest in ending a war that weakened France's military power in Europe, gave China a means of pressure on the Western Powers, allowed her to exploit anti-European feeling in Asia, and strengthened her influence over the Vietminh. Instead of passively waiting till the Geneva Conference, which might last a long time, the government should open direct negotiations with the Vietminh, and seek a compromise solution which would permit "a political, economic, and moral clean-up" in France. [19]

Various resolutions were submitted to the National Assembly, and once again the gov-

Footnotes at end of article.

ernment won out with the adoption by 331 votes to 271 of a resolution approving the calling of the Geneva conference "to define the appropriate means of ending the unhappy Indochinese conflict." [20]

On May 6, the day before the fall of Dien Bien Phu, and two days before the opening of sessions on Indochina at the Geneva conference, Prime Minister Laniel asked the Assembly to give him a vote of confidence on a motion to postpone another debate on Indochina to a later date. He obtained his vote of confidence by 311 votes to 262.

News of the tragedy of Dien Bien Phu reached Paris during the afternoon of Friday, May 7, and a stunned and disillusioned France went into mourning.

The following week, Prime Minister Laniel faced a hostile Assembly, and it was evident that it was only a matter of time before his government would fall. After a homage to the courage of the soldiers of Dien Bien Phu, during which the Communist deputies remained seated, a demand for a debate was tabled. On May 13, Prime Minister Laniel called for another vote of confidence on a motion to postpone a full debate on the subject of Indochina. Mr. Laniel barely got his majority: 289 votes against 287, with 33 abstentions. Nevertheless a debate was scheduled for June 9. In the early morning of June 10, the Assembly, by a large majority (322 vote to 263) refused to give priority to an "order of the day" requested by the government. Prime Minister Laniel said he would seek another vote of confidence on June 12, in connection with three resolutions critical of the government, which had been submitted by the Communists, the Socialists, and a moderate leftist Mr. Caillet (Mr. Caillet's resolution did not even mention Indochina, it just called for a change of government). In his appeal to the Assembly, Mr. Laniel said that a negative vote might be interpreted as implying that the Assembly opposed the continuation of talks at the Geneva conference and the safeguarding of the French expeditionary forces in Indochina. A negative vote might also be interpreted by the Vietminh as a "prelude to unconditional capitulation".

Despite this appeal, the Assembly refused by 306 votes to 293 to reject consideration of the three resolutions before it. As the adverse vote was eight short of the total required for a "vote of no confidence" (314), Mr. Laniel was technically not defeated, but submitted his resignation anyway.[21]

In his investiture speech to the National Assembly on June 17, Mr. Mendes-France asked for the support of a majority which would exclude the Communists, who had remained seated during the homage paid to those who had died for the motherland, and then proceeded to outline his program. He declared he would resign if he had not obtained a cease-fire in Indochina by July 20, but that if he were successful he would then proceed with a comprehensive program of economic measures and take on the question of France's participation in the European Defense Community.

". . . For several years a negotiated peace of compromise with the enemy has appeared to me a necessity, requiring in turn that our finances should be put in order, our economy reorganized, and our economic activity expanded. The war has placed an unbearable burden on our country. Today a new and fearful menace has appeared: if the conflict in Indochina is not settled, and settled very quickly, we must envisage the risk of an international and perhaps an atomic war . . . I advocated peace at an earlier date when we still held more trump cards than we do today. But even now there are certain conditions which would be unacceptable. France has not accepted, and will not accept, any conditions for a settlement which would be incompatible with her vital interests. She will remain in the Far East. Neither our allies nor our foes should have any doubt about our determination." [22]

Mendes-France was invested with an overwhelming majority of 419 votes to 47, with 143 abstentions. Although the Communists voted for him, Mendes-France had a large enough majority not to owe his investiture to them. Thus Mendes-France, who has been called the Cassandra of the Indochinese war, assumed the post of Foreign Minister himself, and shouldered the task of negotiating a peace while salvaging what could be salvaged at the Geneva conference. He also announced France's determination to keep on fighting, if necessary:

"It goes without saying that in the interval—from tomorrow onwards—all military measures will be taken not only to meet the immediate requirements but to enable any government which would succeed mine to carry on the fighting if by ill chance it had to do so. If certain measures require a Parliamentary decision, they will be submitted to you." [23]

Mendes-France later spelled out what he meant by "certain measures" requiring a parliamentary decision: calling up draftees for Indochina, an action no previous government had ventured to undertake.

On July 22, the day after the final session of the Geneva conference, Mendes-France appeared before the National Assembly to outline the provisions of the cease-fire. He was greeted with prolonged applause from the Socialists, the Communists, the Radicals, and about half of the Gaullists. After describing the main provisions of the cease-fire agreements, he stated: "I have no illusions on the contents of the agreements, and I would not like anyone else to have any illusions about them. They are in part cruel because they confirm cruel facts." He then went on to give an explanation of the time limit he had imposed on himself. He said that after discussing the question with the Military, he had reached the conclusion "that if the way were to continue, the Expeditionary Corps would be in peril in Northern Indochina unless it received important reinforcements within a very short time. The dispatch of conscripts thus became an imperative necessity. . . . Perhaps now it can be understood, therefore, that what was called a 'gamble' in a deprecatory sense of the word had quite a different meaning: namely, that if hostilities did not cease within 30 days our young men would have been compelled to leave for the Far East, though it was not certain whether our Expeditionary Corps might not have been exposed to the gravest danger before they could have arrived there. That is the explanation for the time-limit which surprised both French and foreign opinion—an explanation which I could not give publicly without disclosing to the adversary the weakness of our military position. This time-limit was necessary in order to prepare the dispatch of reinforcements, and it had to be used to compel our opponents to prove their will for peace." In his judgment, the agreements were "undoubtedly the best which were attainable in the present state of affairs."

In the ensuing debate, most Christian Democrats and some dissident Gaullists were strongly critical of the concessions made by the Prime Minister, although they welcomed the cessation of hostilities in Indochina. A resolution in which "The National Assembly pays sincere homage to the heroism of the fighting soldiers of the French Union and the Associated States; records with satisfaction the cessation of hostilities in Indochina, due primarily to the decisive action of the Prime minister . . . approves of the Government's declarations, and, rejecting any amendments, passes to the Order of the Day" was adopted as a whole by 462 votes to 13, with 134 abstentions.[24]

CONCLUSION

It was not only the divisions among the parties and the impossibility of forming a strong government based on a coherent and solid majority which led to the National Assembly's inability to control the course of the war and blunted the efforts of those of its members who sought to bring about peace. France had been traumatized by World War II. The humiliating defeat of 1940, the demoralization of four years of occupation, under which Frenchmen were pitted against Frenchmen, the knowledge that the victory over Germany was not really France's, all contributed to the determination that this would not happen again. France, which had been a great power, wanted to show herself and the world that she was a great power once more. French leaders—and among them naturally deputies—who advocated withdrawal or negotiations, were immediately tagged as defeatists, with all the connotations of 1940 attached to the word, or as unpatriotic Communists, whose allegiance was with the enemy rather than with France. Not only did the Empire—or the French Union—represent a symbol of France's grandeur, but it had in fact provided inestimable support to the Free French in World War II, and the French were convinced that if they gave up Indochina, the disintegration of the Empire would follow. It was therefore difficult, psychologically, for Frenchmen to recognize that times had changed, and that this was another war. But after Dien Bien Phu, which was a greater psychological defeat to the French than a military one, illusions were no longer possible.

REFERENCES

Annés politique (yearly compilation of economic, political, social, and diplomatic events in France).

Barale, Jean. La constitution de la IVe Republique a l'epreuve de la guerre. Paris, Librairie generale de droit et de jurisprudence, 1964. 526 pp.

Buttinger, Joseph. Vietnam: a dragon embattled. Two volumes. New York, Praeger, 1967. 1346 pp.

Elgey, Georgette. La republique des contradictions 1951–1954. Paris, Fayard, 1968. 654 pp.

Hammer, Ellen J. The struggle for Indochina 1940–1955. Stanford, Stanford University Press, 1966. 373 pp.

Keesing's contemporary archives.

Lacouture, Jean *and* Philippe Devillers. La fin d'une guerre. Indochine 1954. Paris, Editions du Seuil, 1960. 382 pp.

Williams, Philip M. Crisis and compromise. Politics in the fourth republic, Hamden, Connecticut, Archon books, 1964. 546 pp.

FOOTNOTES

[1] The French Communist party has been accused of denying help to Ho Chi Minh in his bid for independence while it was still in government, because at that time, it still entertained hopes of gaining power in France, and along with control of France, went control of her overseas possessions. According to this view, it was only when the Communists abandoned their prospects of acceding to power that they fully supported Ho Chi Minh. (See Joseph Buttinger, Vietnam: a dragon embattled. vol. II p. 1013 n. 9. New York, Praeger, 1967. 2 vols, 1346 pp.)

[2] Until the 1954 constitutional reforms, the Council of the Republic had only an advisory capacity.

[3] Jean Barale, La constitution de la IVe Republique a l'epreuve de la guerre. Paris, R. Librairie Generale de Droit et de Jurisprudence, 1964, p. 93. The decree terminating hostilities in Indochina was not voted by the Cabinet until September 9, 1957, and came into effect on October 1, 1957. Legally, for Indochina, World War II ended in 1957.

[4] Annee politique, 1949, p. 84.

[5] Under the constitution of the IVth Republic, ministers were legally responsible for crimes and misdemeanors committed in the exercise of their functions, and could be impeached by the National Assembly and arraigned before a High Court of Justice, which in turn was elected by the National Assembly at the beginning of each legislature.

[6] Barale, Jean. La constitution de la IVe Republique a l'epreuve de la guerre, pp. 151–159.

[7] A public opinion poll, conducted by the French Institute of Public Opinion and published in Le Monde dated November 23, 1953, gave the following statistics: 35% of the people questioned thought France should negotiate with the Vietminh; 15% thought France should give up Indochina and withdraw its troops from there; 15% thought order should be reestablished in Indochina by increasing France's military effort; 6% thought France should call on the U.N. or the U.S. for help; 5% thought France should either pursue a more vigorous course of action or else abandon its effort altogether; 2% gave other answers, and 23% gave no answer. See Elgey, Georgette, La republique des contradictions 1951–1954. Paris, Fayard, 1968. p. 468 n. 2. (These figures add up to 101%).

[8] Georgette Elgey, La Republique des contradictions, 1951–1954, p. 468. (This section draws largely on Jean Barale's book: La constitution de la IVe Republique a l'epreuve de la guerre. His thesis is that the Indochinese and Algerian wars were responsible for the malfunctioning of France's parliamentary institutions, and ultimately led to the disintegration and demise of the IVth Republic).

[9] Annee politique, 1946, p. 291.

[10] Annee politique, 1947, p. 40, author's translation.

[11] Annee politique, 1949, p. 42.

[12] *Ibid.*

[13] Keesing's contemporary archives, October 28–November 4, 1950, p. 11047.

[14] Keesing's contemporary archives, October 28–November 4, 1950, p. 11047.

[15] Keesing's contemporary archives, April 28–May 5, 1951, p. 11430.

[16] Keesing's contemporary archives, June 6–13, 1953, p. 12964.

[17] Keesing's contemporary archives, June 27–July 4, 1953, pp. 12994–60.

[18] Keesing's contemporary archives, November 7–14, 1953, pp. 13231–2.

[19] Mendes-France's view that the government was using the Geneva Conference as a pretext for prolonging the war is somewhat corroborated by Jean Lacouture and Philippe Devillers. According to them, the Navarre Plan, which ultimately led to the disastrous defeat of Dien Bien Phu, had originally been elaborated in the Summer and Fall of 1953 with the intention of securing a decisive victory in the field, which would enable France to negotiate from a position of strength. Reports to Paris from commanders in Vietnam asserted that the military situation for France would improve in the Spring of 1954, but would be best in the Fall of 1954. Unexpected reverses in December 1953 led the government to step up its timetable for negotiations. See Lacouture, Jean and Philippe Devillers, La fin d'une guerre. Indochine 1954. Paris, Editions du Seuil, 1960. 382pp. pp. 39–40.

[20] Keesing's contemporary archives, May 22–29, 1954, p. 13583.

[21] Keesing's contemporary archives June 19–26, 1954, p. 13629.

[22] *Ibid*, pp. 13630–1.

[23] Keesing's contemporary archives, June 19–26, 1954, p. 13630.

[24] Keesing's contemporary archives, July 24–31, 1954, p. 13693.

The Geneva Conference of 1954

Introduction

The 1954 Geneva Conference on Korea and Indo-China grew out of a number of factors influencing international relations in the Far East at that time. On the Western side, there existed the mounting French desire to end the conflict in Indo-China. In addition, the West had failed in the second half of 1953 to secure Communist consent to the holding of a conference on the political problems of Korea, as provided for in the July 1953 armistice agreement. Communist motivations were more complex. Communist China's desire to increase its prestige in Asia apparently constituted a major factor. Then, too, the Communists must have considered that a successful conference would legally sanction the gains made in Indo-China. Finally, propaganda motivations played a part in their considerations.

Soviet Foreign Minister Molotov proposed such a conference at the Big Four [1] Foreign Minister's meeting in Berlin in February 1954. His plan, however, envisaged a five power meeting, including Communist China, to "seek measures for reducing tension in international relations." [2] The Western powers immediately sought to limit the scope of the talks. France stressed the Indo-China problem, while the British feared that an all-encompassing conference would increase the United States' reluctance to meet with Red China. After a round of hard bargaining, the Big Four agreed to restrict the meeting to a consideration of the Korean and Indo-China questions and set April 26 as the opening date for the conference.[3]

The Geneva Conference, which ended on July 21, resulted in a total deadlock on Korea but produced a series of agreements on Indo-China which provided for a French withdrawal and set forth guidelines for the unification of Vietnam on the basis of general elections in July 1956.

I. Indochina

The 1954 Geneva Conference on Indo-China was set against a background of varied and sometimes indeterminable political and military developments that greatly affected its outcome. Most importantly, it took place at a time when the United States was rapidly moving to assume the leadership of anti-Communist forces in the Far East while French and, to a lesser degree, British power and influence were on the decline. This fact and the possibility that the United States might thrust itself directly into the Indo-China war hung over the conference from start to finish, causing the major powers on both sides to disregard to some extent the wishes of those local parties involved in the struggle. In addition, the major powers placed Indo-China in the context of their regional and worldwide interests, which also contributed to the air of compromise and restraint.

A. Origins

The Geneva Conference climaxed the long struggle of nearly eight years between France and the Associated States of Laos, Cambodia, and Vietnam on one side and the Communist-led Vietminh on the other. The collapse of Japan in 1945 had left the Vietminh as the strongest political-military faction in Vietnam, and it moved quickly to assume control of the country following Tokyo's surrender. On August 29, 1945, the Vietminh set up a Provisional Government of the Democratic Republic of Vietnam and on September 2, it declared Vietnam independent.

The return of the French late in 1945 precipitated no immediate clash; and in March 1946, France recognized the Democratic Republic of Vietnam (DRV) as a free state belonging to the Indochinese Federation and the French Union. However, at the end of May, the French High Commissioner to Indo-China recognized a Republic of Cochinchina in similar terms and thus sparked a split between the DRV and France. The two parties began negotiations at Fontainebleau on July 9 over this and other issues involving Vietnam's future status. These became snagged, however, mainly because of France's action in undertaking simultaneous negotiations with various non-Communist political factions in Indo-China. The DRV broke off the talks on August 1.

Despite this, Ho Chi Minh remained in France and negotiated a modus vivendi with the French government on September 14, which settled various economic problems, reaffirmed the March 6 agreement, and stated that the two parties would negotiate an arrangement defining the DRV's international status.

From that juncture, the situation deteriorated rapidly. The French grew very mistrustful of Vietminh moves in the summer and fall of 1946 to eliminate non-Communist elements in the DRV government. Ho Chi Minh continued to support the agreement reached with France in September, but negotiations over its implementation bogged down in technicalities in November. Meanwhile, Vietminh acts of violence against French nationals increased, and armed clashes between French and DRV troops became more frequent. Serious clashes occurred at the end of November; then a period of calm ensued. The Vietminh on December 17 launched surprise attacks on French garrisons throughout Vietnam and the war began in earnest.[4]

From that point on, France sought to crush the Vietminh while moving to bolster non-Communist nationalist elements in Laos, Cambodia, and Vietnam as a counterforce to the Communists. The Vietminh, for its part, waged guerrilla warfare throughout Vietnam but concentrated on the North. In addition, it spread the conflict to Laos and Cambodia by direct invasion and by the propping up of local Communist factions in those countries.

The direct origin of the conference lay in the failure of the French Navarre plan in Indo-China and in the declining public support for the war effort in France itself. The so-called Navarre Plan, launched in the summer of 1953 under General Henry Navarre, aimed at bringing Communist main force units into open battle by increasing French mobility and contesting the Vietminh in their area of greatest strength, the mountainous territory in the west and northwest of the Red River Delta. By the end of the year, the French offensive had been, on the whole, unsuccessful. The Vietminh evaded French thrusts in Vietnam and drove into Laos and northern Cambodia, thus further dispersing the already thin French reserves.

A key to France's strategy lay in the defense of Dien Bien Phu, located in the far northwestern part of Vietnam in the heart of enemy territory. In November 1953, the French parachuted three battalions into the area to begin the fortification of Dien Bien Phu. Before the end of the famous battle there, they had increased the size of the garrison to over 15,000 men.[5]

The French hoped that Dien Bien Phu would act as a magnet for the bulk of Communist main force units, thus providing an opportunity to inflict a major defeat on the Vietminh. In addition, a large-scale battle there would keep Communist regulars away from the vital Red River Delta.

Navarre saw his objective of open battle realized, but his strategy failed due to

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French underestimation of Vietminh capabilities. The Communists maintained control of the high ground overlooking the valley where the fortress was situated and brought in a formidable array of artillery: an estimated 240 to 350 guns, including Soviet heavy rocket launchers.[6] Besides outgunning the French inside the fortress, Vietminh artillery also reduced the effectiveness of the airdrop of supplies to the defenders. The Communists began direct infantry attacks on Dien Bien Phu in mid-March; and in the subsequent month and a half slowly whittled away at the French perimeter. The fortress fell on May 7, a day before the opening of the Geneva Conference sessions on Indo-China.

The implementation of the Navarre plan came amidst a steady decline in French home front support of the war effort. In June 1953, Pierre Mendes-France made the first of a series of promises to end the fighting through negotiations if he became premier. The following month, Albert Sarrault, former Governor-General of Indo-China and President of the Assembly of the French Union, declared that France should listen to any honorable peace proposals, even from the Vietminh. The French press issued constant demands for negotiations.[7]

The French National Assembly provided the most pronounced reflection of public opinion in October when it began a full-scale debate on Indo-China. The debate ended with the passage of a resolution by a vote of 315 to 257, stating that the armed forces of the Associated States (Vietnam, Laos, and Cambodia, to whom France had granted autonomy in 1949) should be expanded and should gradually replace French troops and that the government should do everything possible to achieve peace through negotiations.[8] On November 12, Premier Joseph Laniel told the Council of the Republic that France did not seek an unconditional Communist surrender and would consider a compromise settlement.[9]

Concurrently with these developments, the Communists began to place more stress on the possibility of negotiations. Soviet and Chinese Communist propaganda organs mentioned this in August and September 1953, and the Vietminh delegate to a meeting of the World Peace Council in Vienna declared on November 23 that the war could be ended through peace talks. Six days later, the Stockholm newspaper, *Expressen*, published Ho Chi Minh's answers to a series of questions, which it had submitted to the Vietminh legation in Peking. Ho said that he was prepared to examine French peace proposals but that the essential basis of an armistice lay in real French respect for the independence of Vietnam. Vietminh radio broadcasts repeated these offers twice in December.[10]

The failure of the Navarre Plan added to the importance of the Communist statements. Premier Laniel admitted to the National Assembly on March 6, 1954—six days before the initial Vietminh assault on Dien Bien Phu—that French public opinion unanimously desired a negotiated settlement of the war.[11]

The Big Four Foreign Ministers Conference, held in Berlin in February 1954, set the stage for the Geneva Conference. Soviet Foreign Minister Molotov proposed a Big Five conference, including Communist China, to seek solutions to a number of the major international problems. The United States was not enthusiastic about a meeting involving the Peking regime. By this time, however, the French government was anxious to initiate talks on Indo-China, and the British also favored the idea. The United States, convinced that the fall of the Laniel government would further weaken French resolve, modified its position under strong French pressure; and the conference concluded on February 18 with an agreement to meet at Geneva on April 26 for discussions on the Korea and Indo-China questions.[12]

The two and a half months between the end of the Berlin Conference and the convening of the Geneva Conference session on Indo-China saw the rapid decline of French power in Indo-China, both military and political. Correspondingly, the United States appeared to be moving toward military intervention in the conflict. The French defeat at Dien Bien Phu proved to be decisive, however, in bringing about a French political decision to leave Vietnam. In addition, the growing nationalism and anti-French attitude of many political groups connected with the Associated States of Vietnam further weakened French desire to continue the struggle.

Within days after the initial Vietminh attack on Dien Bien Phu, the United States concluded that the French had only about an even chance of holding out.[13] The Eisenhower Administration considered various plans for intervention. These revolved around the use of U.S. air and naval forces; and in particular, they proposed a single massive air strike to relieve Dien Bien Phu. The plans never materialized because of two factors: the reluctance of leading Congressional figures to support a unilateral U.S. intervention [14] and British refusal to join the United States in such an endeavor. The British position, as set forth during the Anglo-American conversations of April and in subsequent talks, rested upon several premises. Foreign Secretary Anthony Eden, who played the major role in formulating London's policy, had felt for some time that a partition of Vietnam as far to the north as possible would provide adequate protection for the remainder of Southeast Asia, particularly Malaya and Singapore.[15] Both he and Prime Minister Churchill concluded, also, that air and sea strikes would be insufficient to effectively support the French and that the United States and Britain would have to commit ground forces.[16] Finally, Churchill did not consider France's resolve strong enough to warant an allied intervention on its behalf and cited Paris' refusal to send draftees to Indo-China as evidence of this.[17]

Britain's firm opposition had blunted American initiatives for intervention by the time the Indo-China sessions began at Geneva. Nevertheless, the threat of military action by Washington hung over the conference to the very end; and until the Laniel government collapsed June 12, reports circulated freely concerning bilateral Franco-American talks regarding possible United States entry into the war; and these, indeed, were taking place.[18]

Thus, the Western allies entered the Geneva Conference divided in purpose. Britain distinctly envisaged a settlement based on partition. France initially took an ambiguous position and continued its bilateral discussions with Washington. The United States assumed an extremely distrustful attitude toward the conference on the assumption that any agreement would sanction a further Communist advance in Asia. Consequently, Washington refused to actively participate in the subsequent negotiations.

The decline of French military power was matched by the downward plunge of French political influence on the State of Vietnam. Paris had granted Vietnam theoretical independence in 1949, but this actually constituted an autonomous arrangement with France still exercising some control over Vietnam's foreign affairs and defense. By 1953, however, the nationalist agitation among the political groups associated with the new state led to the convening of a "National Congress." The Congress, which met in Saigon in October, took an extremely anti-French tone and passed a resolution repudiating the French Union "as presently constituted." [19] The government of former Emperor Bao Dai followed this up by dispatching representatives to Paris in January 1954 to initiate talks aimed at securing complete independence. On April 28, Premier Laniel and Premier Nguyen Trung Vinh signed a declaration agreeing to the signature of two treaties: one granting independence and the second creating a Franco-Vietnamese association within the French Union founded upon equality of the two countries. Both were initiated on June 4.[20]

B. Negotiations

The Geneva sessions on Indo-China began on May 8 with nine countries participating: the United States, Britain, France, the USSR, Communist China, the Democratic Republic of Vietnam (the Vietminh), the State of Vietnam, Laos, and Cambodia. The question of membership had originally presented a problem, for the Soviet Union and Communist China had demanded that the Laotian Communists (Pathet Lao) and the Cambodian Communists (Khmer Issarak) be represented in addition to the Democratic Republic of Vietnam (DRV). The British and French used this as diplomatic leverage, proposing that they would agree to Vietminh (DRV) participation of the Communists cooperated in permitting the French to evacuate wounded from Dien Bien Phu. Moscow and Peking privately agreed, and the DRV delegate subsequently announced that the Vietminh would authorize the evacuation of seriously wounded prisoners by both sides. The Western powers successfully resisted the seating of the Pathet Lao and Khmer Issarak.[21]

1. The French Proposal

French Foreign Minister Georges Bidault led off the conference, and he tried to break down the Indo-China problem into its components, which he asserted were: (1) the issue of the Vietminh invasion of Laos and Cambodia and (2) the question of a cease fire and political settlement in Vietnam. He first proposed a solution in Laos and Cambodia through the simple withdrawal of Vietminh forces, since the problem stemmed solely from the invasions. With respect to Vietnam, Bidault described the issue "for the present moment" as that of bringing about a cessation of hostilities. Following the establishment of a truce, political problems could best be resolved by means of free elections.[22] Bidault then proposed an armistice based upon the withdrawal of opposing forces into assembly areas, which the Conference would define in accordance with recommendations put forth by the French and Vietminh commanders-in-chief. Finally, he stressed the need for international commissions to supervise the implementation of the cease-fire and urged that the conferees guarantee to abide by any settlement arrived at.[23]

2. The Vietminh Proposal

On May 10, Pham Van Dong, head of the Vietminh delegation,[24] laid before the conference an all-encompassing plan, including suggestions for both a truce and a political settlement. On the basis of French recognition of the independence of the three Indo-China states, the Vietminh plan advocated a cease-fire agreement providing for the withdrawal of French troops to assembly areas in Vietnam with special consideration given to reducing these zones to a minimum number. However, the Vietminh plan recognized the need for a readjustment of the zones of both sides. While in the assembly areas, French troops would refrain from interference in the affairs of local authorities. The cease-fire agreement would also provide for the withdrawal of all foreign troops from Indo-China within a fixed period. Finally, the Vietminh suggested the establishment of joint committees composed of representatives

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of the belligerent parties to supervise the truce.

Pham Van Dong proposed as a political settlement the holding of "free general elections" in Laos, Cambodia, and Vietnam in order to establish a single government in each state. Advisory conferences composed of representatives of the opposing "governments" (Communist and anti-Communist) would organize the balloting and "take the necessary steps to ensure freedom of activity for the patriotic social parties, groups, and organizations." The North Vietnamese leader added, however, that "local committees" would conduct the elections on the local level and that pending the establishment of a single government in each of the three states, the "governments" of the opposing sides would administer the districts under their control.[25]

The Vietminh proposal significantly made no mention of international supervision. With respect to elections, Pham Van Dong stated flatly: "Interference from outside should not be permitted." The actual text of the Vietminh proposal was even more explicit: "No foreign interference will be allowed." Bidault later accused the Vietminh of attempting to insure "even before the elections are held, that Viet-Nam shall be completely dominated by Vietminh."

The French and Vietminh proposals defined the major issues facing the conferees: (1) the question of lumping all three Indo-China states into a single accord or drawing up separate agreements for each; (2) international supervision; and (3) the relationship between a political and military settlement.

Both formulas did, however, hint at some kind of partition by advocating regroupment areas. Eden, who strongly favored partition, apparently realized this; for he emphasized in his initial statement (May 10) the necessity of a cease-fire based on "distinct and clearly defined zones." He gave veiled support to some form of international supervision and more solid backing two days later. Moreover, he urged the conference to make an immediate study of truce measures, thus falling in line with France on the question of establishing an armistice before turning to a political settlement.[26]

3. Position of Communist China and the USSR

The major Communist powers took somewhat different initial positions. Speaking for Peking, Chou En-lai expressed full support for the Vietminh peace plan. Soviet Foreign Minister Molotov also declared Moscow's backing of the DRV's proposals and criticized France for not wanting to immediately deal with political problems. However, he asserted his government's willingness to examine alternative formulas and stated Moscow's acceptance, in principle, of Bidault's suggestion that the Geneva conferees guarantee the final settlement. Equally important, he proposed that implementation of a cease-fire accord be entrusted to commissions made up of "neutral nations."[27] He, therefore, insured that the conference would agree to international supervision. From that point on, the controversy centered upon the composition of the commission and its authority.

4. Proposal of the State of Vietnam

In the midst of all this, the State of Vietnam, now emerging rapidly from under French domination, offered its own proposal on May 12, combining a military and political settlement. The Bao Dai government rejected any military solution based on the division of Vietnam and advocated international supervision of a cease-fire. It maintained that a political settlement must be founded upon recognition of the State of Vietnam as the only political entity entitled to represent Vietnam and the principle of a single army for the country. To achieve the latter, it called for the internationally supervised incorporation of Vietminh forces into the Vietnam National Army.[28] The State of Vietnam also suggested the holding of free elections under its authority when the United Nations Security Council determined that the Saigon government had established its control throughout Vietnam and that "conditions of freedom were fulfilled." The United Nations would supervise the elections.[29]

The State of Vietnam did not hold a strong diplomatic hand, however. The French Command in Indo-China still held operational authority over the National Army, and it was apparent that Bao Dai's government could not as yet oppose the Vietminh on its own Therefore, Bidault could on May 14 give verbal expressions of support to the State of Vietnam and the idea of territorial unity while still proposing that the opposing forces withdraw to regrouping areas and that a cease-fire precede a political settlement.[30]

5. Secret Sessions and Bargaining

At this juncture, the conference went into secret sessions at the behest of Eden. During these, the conferees, for the moment, broke the deadlock over the relationship between the political and military settlements by agreeing to consider the military side first.[31] In addition, the Communists partially backed away from their stand that all three Indo-China states be lumped into a single accord. On May 25, the DRV proposed a simultaneous cease-fire in Laos, Cambodia, and Vietnam and the regroupment of opposing forces into large areas selected with due regard to political and strategic considerations. Each assembly zone should be, to a degree, an economic unit. Thus, the two sides could exchange territory. The Vietminh suggested that the conference work out the Vietnam arrangements first, since, as Pham Van Dong said, it was "the most important theatre of operations."[32]

The Chinese Communists carried the distinction between Vietnam and the other states a step further on the 27th by stating that the armistice terms for Laos and Cambodia would probably not be the same in Vietnam, because the situations in those countries were "not entirely similar."[33]

The conference had thus moved substantially toward partition, as implied in the DRV's proposal, and had tacitly accepted separate accords for each of the three states of Indo-China. The Chinese statement also hinted at a willingness to compromise on the status of the Pathet Lao and Khmer Issarak, although disagreement continued on this issue.

With the two sides now closer together, Eden proposed a procedural plan to effect a cease-fire in Vietnam. It provided for the military commands of the belligerents to meet in Geneva and also to establish contact in Indo-China. They would then study the question of assembly areas and report their findings to the conference.[34] The conferees accepted this even though U.S. Under Secretary of State Walter Bedell Smith voiced Washington's misgivings and Nguyen Quoc Dinh of the State of Vietnam objected, charging that the idea of large regroupment areas meant partition.[35]

However, the military situation in the north of Vietnam made partition more inevitable. Following the fall of Dien Bien Phu, France faced the prospect of a full-scale Communist assault on the Red River Delta backed by 100,000 Vietminh regulars plus an equal number of guerrillas.[36] General Paul Ely, the new French commander, recommended that his forces pull back to easily defensible beachheads and that they evacuate if reinforcements from France and increased allied aid were not forthcoming.[37] At the end of June, the French withdrew from the entire southern portion of the delta, leaving an area with about two million people to the Vietminh.[38] For all practical purposes, France had lost the North.

6. International Supervision

The conferees resumed open sessions on June 8 and came to grips with the issue of international supervision. A French plan, submitted on June 4, represented the basic Anglo-French position. It called for an extensively-staffed and fully equipped neutral international commission to supervise "all the clauses of the armistice." It also proposed that the commission have authority over a number of joint commissions composed of representatives of the two commands. In the event a joint commission could not decide on steps to take in response to violations of the truce agreement, the international commission would have the power to reach and enforce a final decision. Paris also advocated that it make all rulings by a majority vote.[39] Eden added to the Western plan by suggesting that the Colombo powers—Burma, Ceylon, India, Indonesia, and Pakistan—comprise the membership of the commission. In his speech of June 8, he described the question of international supervision as a "crucial issue" and an "all-important problem."[40]

The Communists adopted a very different stand, as defined by Molotov on June 8. The Soviet Union proposed a four member international commission composed of Poland, Czechoslovakia, India, and Pakistan, which would have no authority over joint commissions. In cases where a joint commission or either party to the commission requested the international panel to take action, the latter could merely investigate and submit recommendations to both sides for eliminating the dispute. If final agreement could not be reached, the international commission would refer the matter to the members of the Geneva Conference.[41] Chou En-lai echoed the Soviet line on June 9 and added that decisions taken by the international commission must be by unanimous vote.[42]

Molotov's speech of June 8 marked an apparent hardening of the Communist position. He sharply attacked the views of the non-Communist conferees; ridiculed the governments of Laos, Cambodia, and the State of Vietnam; and accused the United States of plotting aggression. In addition to his insistence on a weak international commission, he resurrected the demand for an immediate political settlement on the basis of "free elections" patterned after the Vietminh proposal of May 10. He made no mention of any international supervision of elections in stating:

"Of course, the holding of free elections requires that certain conditions be observed. The Vietnamese people should take this matter into their own hands and ensure the freedom of activity of patriotic parties, groups and social organizations in preparing for and conducting free general elections. . . . The holding of free elections must be preceded by the withdrawal of all foreign troops from the territory of the States of Indo-China."[43]

At this juncture, a number of important developments occurred. The United States withdrew Under Secretary of State Smith as the head of the American delegation in an indication of its dissatisfaction with the conference.[44] On June 10, Eden gave a strongly worded speech, insisting that the members of the international commission "must have a right to decide by a majority. There can be no veto." He warned that "if the positions remain as they are to-day, then it is our clear duty to say so to the world, and to admit that we have failed."[45] He spoke in a similar vein at a session on Korea the following day; and on June 15, the British announced that Churchill and Eden would visit Washington during the weekend of June 25–27.[46] Finally on June 12, the French

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National Assembly brought down the Laniel government by a vote of no confidence, thus paving the way for Mendes-France's assumption of the premiership on June 18. Before taking office, Mendes-France renewed his offer to achieve an Indo-China settlement and set July 20 as a deadline for accomplishing this. He stated that he would submit his resignation on that day if he had failed to carry out the pledge.[47]

These developments apparently caused the communists to decide on a more flexible stance. Chou En-lai agreed during a meeting with Eden on June 16th that cease-fire arrangements for Laos and Cambodia should provide for the withdrawal of *all* foreign troops and that military talks between the belligerents in each country should take place. He further stated that he could probably persuade the Vietminh to withdraw its forces. Bidault met with Chou on the 17th; and from that point on, the Communists agreed that the Vietminh rather than the Pathet Lao and the Khmer Issarak would represent the Communist side in military talks with the Laotian and Cambodian governments. Two days later, the conference called on the opposing commands in the two states to begin cease-fire discussions.[48]

The Communists also offered some small concessions on the international commission. On June 16, Molotov suggested either a three or five member commission, with minor decisions of the panel not requiring unanimity.[49]

The conferees also moved toward a compromise on the question of elections. Following Molotov's speech of June 8, the Vietminh renewed its call for elections "as soon as possible" after the cessation of hostilities and set six months as the maximum acceptable waiting period. Mendes-France and Chou En-lai met on June 23 and reportedly agreed to hold nationwide Vietnamese elections after the armistice with the objective of establishing a single government for the country.[50] Peking claimed that the French Premier agreed to elections within 18 months after the truce.[51]

By this time, the foreign ministers of the member states had left Geneva while the military talks continued. The visit of Churchill and Eden to Washington at the end of the month resulted in the drawing up of an Anglo-American seven point declaration in which the United States accepted the partition of Vietnam. The British and American leaders agreed to respect an accord reached at Geneva that left Laos and Cambodia as independent states. Moreover, if an agreement partitioned Vietnam, it should leave approximately half of the country south of the 18th parallel in non-Communist hands with no provisions that would risk the loss of the retained area to Red control. With regard to reunification, the declaration stated that an agreement should not exclude it if brought about by peaceful means. Finally, it called for effective international supervision. Following the drafting of this document, the United States and Britain informed France of the conditions set forth.[52]

On the basis of the declaration, the French and British persuaded the United States on July 14 to send Under Secretary of State Smith back to the conference. Secretary Dulles steadfastly maintained, however, that even if an agreement met the seven points, the United States would not guarantee any arrangement that subjected the northern part of Vietnam to Communist rule.[53]

The Foreign Ministers re-assembled on July 12 with several major issues still outstanding: the location of the demarcation line in Vietnam, the date of elections in Vietnam, international supervision, and the question of a guarantee for the accords. The next eight days saw a feverish round of private consultations. On the demarcation line issue, Mendes-France held fast to the 18th parallel, while the Communists originally insisted on the 13th but later retreated to the 16th. Finally, on the afternoon of July 20, the French Premier and the Vietminh delegate announced agreement on the 17th parallel.[54]

The problem of setting a date for elections created a more serious roadblock, presumably because of Mendes-France's consideration of the Anglo-American declaration, including the provision that a Geneva agreement should not contain clauses that risked the loss of the non-Communist South to Red control. The French Premier reportedly refused until July 18 to specify a date for elections, while the Communists insisted that this be done and that the balloting take place no later than 1955. Mendes-France then retreated and proposed a two-year waiting period between the armistice and the elections. The Communists accepted this on the 20th.[55]

The two sides agreed on the form of international supervision on July 18 when Chou-En-lai proposed that the commission be composed of India, Canada, and Poland. Eden states in his memoirs that "this was a definite step towards us and the proposal was accepted by all three Western powers." However, the texts of the cease-fire accords make it clear that the British and French conceded a great deal to the Communists. They accepted, for one thing, the requirement of a unanimous vote on all questions concerning violations of the armistice; thus Poland could cast a veto in these cases. Secondly, they gave in to the Communist demand that the international commission have no authority over the joint commissions created to implement the truce. In situations where a joint commission could not reach agreement, the international commission could only recommend solutions to the joint commission. If one of the parties refused to heed such a recommendation, the international commission was empowered merely to inform the members of the Geneva Conference. In short, it had no enforcement power.[56]

C. The agreements

Three armistice agreements were signed on July 21, one for each Indo-China state. The commanders of the French Union and Vietminh armies signed the accords on Vietnam and Laos while the Vietminh and Royal Cambodian commanders initialed the Cambodian agreement.

1. Agreement on the Cessation of Hostilities in Vietnam

The Vietnam armistice partitioned Vietnam at the 17th parallel. Vietminh forces were to move into the zone north of the line, while French Union forces were to do the same in the South. Within each zone, the party whose forces assembled there assumed civil administration, "pending the general election which will bring about the unification of Vietnam." The accord banned the introduction of troop reinforcements and additional military personnel plus reinforcement in the form of weaponry; it did, however, make allowances for troop rotation and weapons replacement. It also prohibited the establishment of foreign military bases. Finally, it established a Joint Commission composed of representatives of the two commands a Joint Commission composed of representatives of the two commands to "ensure the execution" of the agreement and an International Control Commission (ICC) to "ensure the control and supervision of this execution." As stated previously, however, the ICC had no authority over the Joint Commission and its decisions had to be unanimous when dealing with violations of the accord.

2. Agreement on the Cessation of Hostilities in Cambodia

The Cambodian agreement—the most satisfactory from the Western standpoint—called for the withdrawal within 90 days of all foreign troops from Cambodia, including French Union forces, the Vietminh, and all foreign elements or Cambodians not natives of Cambodia who were serving in military or political bodies connected with the Vietminh—in other words the Khmer Issarak. Moreover, native elements of the Khmer Issarak were "to be demobilized on the spot" with 30 days following the signature of the cease-fire. In turn, the Cambodian government promised not to take reprisals against them and to guarantee them "the enjoyment . . . of all constitutional guarantees concerning the protection of person and property and democratic freedoms." The armistice provided that Cambodia would not allow foreign military bases on its soil. Its clauses relating to the ICC joint committees were similar to those of the Vietnam agreement.

3. Agreement on the Cessation of Hostilities in Laos

The agreement on Laos, in effect, militarily partitioned that country. Unlike the Cambodian accord, which called for the complete demobilization of all native Communist forces, the Laotian accord provided for the concentration of Pathet Lao troops in the northeastern provinces of Phongsaly and Sam Neua. On the other hand, it permitted France to maintain in Laos a military advisory team of no more than 1,500 men. Other provisions closely corresponded to the Cambodian armistice, including those on international supervision and the withdrawal of foreign troops.

D. The Final Declaration of the Conference

At the concluding meeting on July 21, Eden produced an unsigned final declaration. It contained several important clauses but two of special note for the future. First, it recognized the declarations of the governments of Laos and Cambodia to hold national elections by secret ballot in 1955 but said nothing about the holding of elections in the two Communist-controlled provinces in Laos. Secondly, the declaration stipulated:

"The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Viet-Namese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from 20 July 1955 onwards."[57]

Under an agreement between Eden and Molotov,[58] the conferees voiced their individual approval of the final declaration but did not sign it. Of the nine countries involved, seven expressed approval; the United States and the State of Vietnam did not endorse the document. United States Under Secretary of State Walter Bedell Smith issued his government's unilateral declaration that the United States would "refrain from the threat or the use of force to disturb" the agreements and "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern. . . ." Concerning the provision in the Final Declaration setting July 30, 1956, as the date for elections in all of Vietnam, Smith declared:

"In the case of nations now divided against their will, we shall continue to seek unity through free elections supervised by the

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United Nations to insure that they are conducted fairly."

Finally, he stated:

"With respect to the statement made by the representative of the State of Vietnam, the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this. Nothing in its declaration just made is intended to or does indicate any departure from this traditional position." [59]

Dr. Tran Van Do, Foreign Minister of the State of Vietnam under the government of Ngo Dinh Diem which had assumed power in June, had already protested France's acceptance of an election date without preliminary agreement with his government. He had stated that:

"Vietnam reserves to itself the entire freedom of action to safeguard the sacred right of the Vietnam people to territorial unity, independence, and freedom." [60]

Now, at this last meeting, he attempted unsuccessfully to have these reservations inserted into the final declaration.

E. Summary

Britain, France, the Soviet Union, and Communist China dominated the 1954 Geneva Conference and made decisions that sometimes adversely affected the interests of the factions struggling for power in Indo-China. The State of Vietnam saw the recognition of its archrival, the Democratic Republic of Vietnam, as an equal to itself, while the Vietminh had to settle for less than complete control of Vietnam and had to accept, for the time being, the checks placed on its proteges, the Pathet Lao and Khmer Issarak.[61]

Given a continuation of the military situation in Indo-China, the DRV could probably have won all of Vietnam. It became probable, however, that if the conference broke down, the nature of the war would have drastically changed. For one thing, France might have expanded its effort. Upon his assumption of the premiership, Mendes-France ordered tropical inoculations for two army divisions stationed in Germany. Moreover, he warned on July 7 that should the conference fail to reach a satisfactory agreement, he would, as his last act before resigning, submit a bill to the National Assembly authorizing the dispatch of national servicemen to Indo-China, including draftees.[62]

Given a French response of this type, the possibility of United States intervention would have increased. Communist China, in turn, would have faced the question of whether or not to assist the Vietminh. In short, the failure of the conference could have resulted in an enlargement of the war, which neither side really wanted at this time.

Other factors also motivated Moscow and Peking to compromise. The Soviet government was at that time undergoing the leadership struggle between the Malenkov and Khrushchev factions and probably did not relish an expansion of the crisis under these circumstances. Communist China had begun to woo its Asian neighbors with expressions of peaceful co-existence weakening the appeal of any Western-oriented anti-Communist alliance. This may explain Peking's relative reasonableness at Geneva. It is significant that Chou En-lai visited New Delhi during the conference and issued with Nehru the famous five principles of Sino-Indian friendship: non-aggression, non-interference, respect of territorial integrity, equality, and peaceful coexistence.

One can best describe the Geneva agreements as a series of compromises with no real safeguards other than the pledges of the nations and factions involved. The structure and powers of the International Control Commission were not conducive to its effective functioning. Nearly all the elements of conflict remained, particularly in Laos and Vietnam, where nearly every competing faction felt that its objectives had been thwarted by the Geneva agreements.

II. KOREA

The Geneva sessions on Korea differed fundamentally from those on Indo-China in that they dealt solely with political questions. The armistice agreement of July 27, 1953, had provided for the convening of a conference to negotiate a political settlement of the Korean question; and the Big Four Foreign Ministers agreed in Berlin to include it on the agenda of the Geneva Conference.

The sessions on Korea, which began on April 27, proved to be entirely futile.[63] Both sides stuck basically to their original positions, and the Korea part of the conference ended on June 15 in a virtual deadlock. The disagreement sprung from two issues: the means by which to unify Korea and the role of the United Nations.

The position of the 16 conferees which had contributed troops to the United Nations Command in the Korean War was stated in two proposals made by South Korean Foreign Minister Y. T. Pyun on April 27 and May 22. They called for the implementation of the United Nations' resolutions of November 14, 1947, and October 7, 1950, which had set forth a program for reunification by means of nationwide elections supervised by the United Nations Commission for the Unification and Rehabilitation of Korea. The two proposals differed in that the former advocated elections in North Korea to fill the unoccupied seats in the Republic of Korea National Assembly, since South Korea had already carried out the U.N. resolutions. However, at the suggestion of Australia and other allied participants, the South Koreans broadened the scope of its election formula to cover the entire country. Under the May 22 plan, the elections would select a new all-Korea legislature on the basis of proportional representation.[64]

The proposal put forth by North Korean Foreign Minister Nam Il on April 27 also called for reunification through "free elections," but Nam made no mention of U.N. supervision. In subsequent speeches, he and his Communist colleagues, Soviet Foreign Minister Molotov and Chinese Communist Foreign Minister Chou En-lai, flatly rejected the idea, arguing that the international body had, in fact, been a belligerent in the Korean War and could not be considered impartial. To supervise the elections, Nam suggested the formation of an all-Korean Commission made up of representatives of North and South Korea to be chosen by the respective legislatures of the two states.[65]

The Communists defined more explicitly their proposal in subsequent sessions. Nam Il declared on May 3 that decisions made by the all-Korean Commission "should be adopted by mutual agreement" rather than by a majority vote on the basis of proportional representation—in other words permitting either side to exercise a veto.[66] Secondly, Chou En-lai proposed on May 22 that the Neutral Nations Supervisory Commission, originally set up to supervise the armistice terms, undertake the supervision of elections, although he did not spell out the relationship between it and the all-Korean Commission. Nam Il did assert on May 22 that his government did favor proportional representation in the proposed all-Korea National Assembly but, as stated previously not for the Commission.[67]

The Communist and free world proposals also conflicted over the issue of the withdrawal of foreign troops from Korea. The Communists insisted throughout the conference that all foreign troops leave before the holding of elections. The Western powers, on the other hand, maintained that some U.N. forces should remain until reunification, since a Chinese pull-out merely meant sending their troops across the Yalu River where they could return within a matter of hours.[68]

On June 5, Molotov submitted a revised proposal, a five point plan placing the conference on record as agreeing to certain principles upon which a political settlement would be based: (1) "free elections" throughout Korea to be held within six months after agreement on a plan by the conferees; [69] (2) the establishment of an all-Korean body composed of representatives of North and South Korea to organize and conduct the elections, the composition and duties of the organization to be the subject of further examination; (3) the withdrawal of all foreign troops from Korea within periods to be specified after further examination; (4) an appropriate international commission to supervise the elections, the composition to be the subject of further examination; (5) the assumption of obligations by the powers for insuring the political settlement, the nature of the obligations to be the subject of further examination.[70]

The allies rejected the Soviet plan, because it excluded the United Nations from any role in a political settlement. The United States also criticized the proposal for the neutral nations supervisory commission to supervise elections and referred to its past inefficiency because of the Communist veto.[71]

By now, the conference had reached a hopeless deadlock. British Foreign Secretary Eden stated on June 11 that the conference would have to admit failure if it could not resolve the issues of the role of the United Nations and the impartial conduct of the elections. The Communists put forth another proposal on June 15 which avoided the question of elections but still called for an all-Korean commission to work out steps toward improving relations between Seoul and Pyongyang. They then suggested that the conference go into restricted sessions. The allies, however, expressed the opinion that such sessions could accomplish nothing as both sides were unwilling to depart from their positions regarding the United Nations. Therefore, on June 15, they issued a "Declaration by the Sixteen," which summarized their viewpoint. The Communists replied by attempting to secure a vote by the conferees on a resolution calling on the participating countries to continue their efforts to reach a political settlement at a time and place to be determined through negotiations among them. Eden, as co-chairman, ruled that the conference had established no voting procedure; therefore, the proposal would simply be included in the official records.[72]

FOOTNOTES

[1] The United States, the Soviet Union, Great Britain, and France.

[2] Eden, Anthony. The memoirs of Anthony Eden: full circle. Boston, Houghton Mifflin Co., 1960, pp. 59–73. The Berlin meeting resulted from a series of Western and Soviet proposals made in 1953. The United States, Great Britain, and France originally suggested a conference dealing exclusively with the German problem. The Soviets replied that they would only agree to a meeting that included Communist China and discussed world problems at large. Russia consented at the end of November 1953 to a four power conference, provided that it could raise at the meeting its plan for a five power get together. The agenda for Berlin, as finally worked out, included the Soviet proposal and the German and Austrian questions.

[3] Eisenhower, Dwight D. Mandate for change. Garden City, New York, Doubleday and Co., 1963, pp. 342–343. Eisenhower states that French pressure at Berlin for a meeting on Indo-China forced the United States to agree to the Geneva Conference.

[4] For greater details on the events of 1946, see Royal Institute of International Affairs.

Survey of international affairs, 1939–1946: The Far East, 1942–1946. London, New York, Toronto, Oxford University Press, 1955, pp. 258–273. See also Fall, Bernard B. The two Viet-Nams. New York, Washington, and London, Frederick A. Praeger, 1967, pp. 71–78.

[5] Fall. The two Viet-Nams, 1967, p. 126.

[6] Fall, Bernard B. Viet-Nam witness. New York, Washington, and London, Frederick A. Praeger, 1966, p. 35.

[7] Royal Institute of International Affairs, Survey of international affairs. London, New York, and Toronto, Oxford University Press, 1959, pp. 296–298.

[8] *Ibid.*, p. 297.

[9] *Ibid.*

[10] *Ibid.*, pp. 297–298.

[11] Royal Institute of International Affairs. Survey of international affairs, 1954. London, New York, and Toronto, Oxford University Press, 1957, p. 22.

[12] Eisenhower, Dwight D. Mandate for change. Garden City, New York, Doubleday and Co., 1963, pp. 342–344.

[13] *Ibid.*, p. 344.

[14] Roberts, Chalmers: "The day we didn't go to war." Reporter, September 14, 1954. This widely quoted article described the meeting of April 3, 1954, between Administration officials and Admiral Radford, chairman of the Joint Chiefs of Staff, and the Congressional leadership, at which time the Administration proposed the air strike at Dien Bien Phu. The Congressmen balked at giving approval upon learning that the other members of the Joint Chiefs did not favor it and that the United States had not consulted with its allies. The results of this meeting moved President Eisenhower to seek collective action with Britain and other allied nations.

[15] Eden, Anthony. The memoirs of Anthony Eden: full circle. Boston, Houghton, Mifflin Co., 1960, p. 97.

[16] *Ibid.*, pp. 108, 117.

[17] Eisenhower, *op. cit.*, p. 367.

[18] Royal Institute of International Affairs. Survey of international affairs, 1954, p. 55. Eisenhower, *op. cit.*, pp. 359–364.

[19] Fall, The two Viet-Nams, pp. 221–222.

[20] Fall, Viet-Nam witness, p. 54.

[21] Eden, *op. cit.*, p. 130.

[22] *Great Britain. Secretary of State for Foreign Affairs.* Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, April 27–June 15, 1954. London, H.M. Stationery Office, 1954, p. 110.

[23] *Ibid.*, pp. 110–111.

[24] Pham Van Dong is today Premier of North Vietnam.

[25] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 116–119.

[26] *Ibid.*, pp. 122–123, 127.

[27] *Ibid.*, pp. 130–131.

[28] Following the 1949 agreements with France, the State of Vietnam began to form its own army, which numbered 210,000 by January 1954.

[29] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 123–124.

[30] *Ibid.*, pp. 132–136.

[31] Eden, *op. cit.*, p. 133.

[32] Royal Institute of International Affairs. Survey of international affairs, 1954, p. 48. Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, p. 138.

[33] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 158–159.

[34] Eden, *op. cit.*, p. 140. Eden asserts in his memoirs that he and Molotov originally agreed to separate cease-fires and then persuaded the Chinese and Vietminh to go along.

[35] Eden, *op. cit.*, p. 142. Royal Institute of International Affairs, Survey of international affairs, 1954, p. 148.

[36] Fall, Viet-Nam witness, p. 39.

[37] *Ibid.*, pp. 59–60.

[38] Royal Institute of International Affairs, Survey of international affairs, 1954, p. 20.

[39] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 139–140.

[40] *Ibid.*, p. 152.

[41] *Ibid.*, pp. 145–146.

[42] *Ibid.*, p. 162.

[43] *Ibid.*, p. 150.

[44] Eisenhower, *op. cit.*, p. 365.

[45] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 165–167.

[46] Royal Institute of International Affairs. Survey of International affairs, 1954, p. 52.

[47] *Ibid.*, p. 52.

[48] *Ibid.*, pp. 52–53. Eden, *op. cit.*, p. 145.

[49] Royal Institute of International Affairs. Survey of international affairs, 1954, pp. 52–53.

[50] *New York Times*, June 24, 1954. "Authoritative sources" reportedly stated after the meeting that "Regardless of the respective areas of Vietnam held by each side under an armistice, a unified government must be established, with all-Vietnam elections to be held eventually."

[51] Weinstein, Franklin B. Vietnam's unheld elections. Ithaca, Cornell University, Department of Asian Studies, Data Paper: Number 60, July 1966, p. 7.

[54] Eisenhower, *op. cit.*, p. 368. Eden, *op. cit.*, p. 149.

[53] Eden, *op. cit.*, p. 156.

[54] *Ibid.*, pp. 158–159.

[55] Weinstein, *op. cit.*, p. 8. Eden, *op. cit.*, p. 158.

[56] *Great Britain. Secretary of State for Foreign Affairs.* Further documents relating to the discussion of Indo-China at the Geneva Conference, June 16–July 21, 1954. London, H.M. Stationery Office, 1954, pp. 14–17, 23–26, 35, 38.

[57] For the texts of the Geneva Accords and the Final Declaration, see Further Documents relating to the discussion of Indo-China at the Geneva Conference, pp. 9–40.

[58] Eden, *op. cit.*, p. 160.

[59] Further documents relating to the discussion of Indo-China at the Geneva Conference, pp. 6–7.

[60] Buttinger, Joseph. Vietnam: a dragon embattled. Vol. II: Vietnam at war. New York, Washington, and London, Frederick A. Praeger, 1967, p. 841.

[61] Royal Institute of International Affairs. Survey of international affairs, 1954, p. 70. Vietminh delegates reportedly stated that Soviet and Chinese pressure forced them to accede to a compromise settlement.

[62] *Ibid.*, p. 62. Fall, The two Viet-Nams, p. 229. Gurtov, Melvin. The first Vietnam crisis. New York and London, Columbia University Press, 1967, p. 128.

[63] From May 8 through June 15, the Korea and Indo-China sessions were conducted simultaneously.

[64] From May 8 through June 15, the Korea problem at the Geneva Conference. Washington, U.S. Government Printing Office, 1954, pp. 6–7, 37, 123–124.

[65] *Ibid.*, pp. 39–40.

[66] *Ibid.*, p. 63.

[67] *Ibid.*, pp. 120–122.

[68] *Ibid.*, p. 8.

[69] This did represent a concession on the part of the Communists, since they had not previously set a time limit for elections.

[70] The Korean problem at the Geneva Conference, pp. 146–147.

[71] *Ibid.*, p. 14.

[72] *Ibid.*, pp. 16–19. Eden, Anthony. The memoirs of Anthony Eden: full circle. Boston, Houghton Mifflin Co., 1960, p. 131. Eden claims in his memoirs that he and Molotov privately agreed on May 5 that the powers should concentrate on Indo-China instead of Korea in view of the continued fighting in the former.

Mr. FULBRIGHT. Mr. President, I sense that many people are getting bored with hearing me or anyone else talking about the war. I do not blame them very much—the war has gone on for so long. However, it seems to me that we have reached a rather critical period. However boring it may be to my colleagues or to the people of the country, it strikes me that we have come to a time that the Senate—and I would hope the House—would finally take the matter into their own hands, since it is quite obvious that this war could go on for a long time.

That is why I think the procedure—although there is no precedent for it really—of the Hatfield-McGovern amendment is a proper one and one that should at the very least be voted upon by the Senate. I am glad that the Senator from Oregon is offering it to the immediate bill so that we can register the sentiment of the Senate at least—and hopefully the Congress.

Mr. President, it is quite possible that Congress is not as responsive as it ought to be to the will of the people. We have indications that the people certainly want the war to be ended and want it to be ended soon. I do not think they are concerned so deeply about whether we follow the procedure at Geneva or not. I think they are deeply concerned about matters like the item I had printed in the RECORD a little earlier concerning what is happening in the interim to our soldiers.

The fact is that the circumstances confronting our Army now—when it has been announced by the President that they are not going for a military victory, when there is really very little for them to do, when it is said that the main fighting has been taken over by the Vietnamese, the ground fighting, and the only extensive activities are conducted by our airmen—boredom and the other circumstances inherent in a life in an alien country where they do not speak the language and all of the other circumstances, are ideally suited to the development of the use of drugs on a major scale.

I cannot think of a greater risk of harm for my son or for any of our young men to take—and these are among the best of our young people that we have sent there—than taking up a drug habit.

The fact is that it is almost impossible to overcome such a habit. It is true that few do. When we consider how difficult it is for some of our friends to think of giving up cigarettes, just think, if one has not done it, how difficult it is for one who smokes just an ordinary cigarette to give up smoking. I do not refer to a marihuana cigarette. I refer to a Camel cigarette, or the equivalent. Think of what it does to a man who has acquired a heroin habit. It is such an unbreakable habit that it is difficult to talk about without being maudlin or overstating the case.

Surely, if the French had the good sense, after being in Vietnam for almost 100 years and owning the best property there and having had their people train the people and having had a very intimate control, and if the French could see

what it was doing to their country—and they did see it—and were able within the course of less than 2 months from the time they made the decision that it was no longer good for them until the time they negotiated a settlement, if they were able to do that, why can we not do it? What is so difficult?

We are told that it is complicated, that it will take time.

We were told last night, "Next October, I am going to announce another withdrawal." This could go on for years, each time saying, "I have lived up to my promises."

It all depends on what the President has promised. He promised in 1968—nearly 3 years ago—when the campaign started, that he had a plan to end the war. He said that it was important to remove our men from Vietnam in the near future.

I am certain that no one understood that to mean 3, 4, 5, or 6 years. They understood it to mean 6 months. That is what I understood.

I visited with the President within 2 or 3 months, believing that he had plans, and hoping to be useful and cooperative in what I thought was a joint venture of getting the war over with and getting our country back on the track.

It is now nearly 3 years later. He may say, "I have lived up to my promise." But that was not the promise when he was elected. The war goes on indefinitely.

I do hope that the Senate will pass the Hatfield-McGovern amendment regardless of what may happen in the House or subsequently. It is very important.

To those who say that we cannot pass it over a veto, I say that is not the point. The point is that the Senate has the responsibility of voting on this and voting on it to show that as representatives of 200 million people, this is what the sentiment of the people is. I believe everything shows that the people of this country want to end this war and bring our troops home.

We as the representatives ought to know it if that is so. This war ought to be finished now. It is in our interest and in the interest of our constituents.

I believe if there is any humanity left in the country at all, our main interest in our boys should be so overwhelming when we read the accounts of what is happening now to our Army in Vietnam that the boys ought to be brought home not in 6 years, but by the end of this year.

I hope that it will be sooner.

If the Hatfield-McGovern amendment is agreed to, I think it would precipitate a course of events which would result in negotiations much sooner than even the end of the year. I think negotiations would begin much sooner, because if that is the precondition, if the President would adopt it and the enemy could rely upon it, that we are going to withdraw, then I think the negotiations could begin.

As evidenced and demonstrated by the French when they began negotiations so soon after their decision, there is no reason why we cannot proceed to solve the matter very quickly. In their case it was a matter of 5 weeks or so.

I cannot exaggerate or overstate the importance of the principles of the Hatfield-McGovern amendment being agreed to by the Senate.

I certainly congratulate the Senator from Oregon for his persistence and eloquence with regard to this matter. I will support the Senator.

Mr. HATFIELD. Mr. President, I would like to express my appreciation to the Senator from Arkansas (Mr. FULBRIGHT) for his very erudite remarks this morning. I appreciate very much the statements of the Senator relating to the amendment that the Senator from South Dakota (Mr. McGOVERN) and I introduced in the previous Congress and will introduce in this session. Pertinent to what the Senator from Arkansas has said, not only does it relate to the question of funding this war, but also it would specify a time limitation for future funding, to December 31. Also he discussed our amendment on ending the draft. As the Senator from Arkansas probably remembers, we had a recent court case entitled Orlando versus Laird, which was decided by the United States Court of Appeals on April 20, 1971. This was on an appeal from a lower District Court's action to challenge the constitutionality of the Vietnam War. The district court had held with the challengers at that time, and the case was then appealed to the court of appeals, where it was reversed. It was reversed for two basic reasons. One reason was that Congress had appropriated funds for the war, which the McGovern-Hatfield amendment would bring to an end on December 31. Second, the Court of Appeals held this war was constitutional because Congress, as in the first instance, had granted extension of the draft during the war and had the power to halt the induction power of the President any time it wanted.

So on two counts the Court was saying it is the responsibility of Congress to take action on this entire question related to the Vietnam war. We will be bringing these arguments forward at the time the Senator from South Dakota (Mr. McGOVERN) and I introduce our amendment at the appropriate time.

I think the Senator from Arkansas touched on another facet of this war when he brought up the drug problem within our Armed Forces. It is not going to be corrected by some great educational or medical program to try to deal with results. The solution is to take those men out of that environment where they are subjected to heroin usage, doldrums, and apathy that creeps into the military life over there. So anyone deeply concerned about the heroin problem, as it has been stated, should be more concerned about getting our men out of there as soon as possible. It is something that deserves full disclosure to the American people.

I can no longer accept secret schedules and unstated time programs for withdrawal. This is a matter in which the American people are entitled to know the schedule and I do not think the President can any longer hide his program under a bushel basket and say, "It is in my good time and in my good judgment." The American people have a right to know.

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

Mr. HATFIELD. I yield.

Mr. FULBRIGHT. There were two points in the case the Senator just referred to. I take it from what the Senator said that the court did not accept the view that a Commander in Chief, the President could do as he pleased. As the Senator emphasized, Congress, by authorizing the draft and appropriating the money exercises constitutional responsibility.

The Court did not say, did it, that as Commander in Chief he can wage the war any way he likes? Did it say that?

Mr. HATFIELD. No.

Mr. FULBRIGHT. I am glad to hear that. The Court, then, is not in complete agreement with the Secretary of State, or Mr. Katzenbach, or Mr. Acheson in their theory that Congress has no business in foreign relations and that the war power is obsolete. The Court did not agree with them, did it?

Mr. HATFIELD. No.

Mr. FULBRIGHT. I am glad to hear that.

Mr. HATFIELD. We did not have to wait for the Court to comment on that. All we had to do was to go back to the Constitution and read the power of the President as Commander in Chief. It is only as determined by Congress. He is the first admiral, as Alexander Hamilton said, and he is the first general. That is all his power represents. He is the first admiral and the first general of those forces determined by Congress under article VIII.

Mr. FULBRIGHT. I agree with the Constitution, as does the Senator from Oregon. Former Attorney General Katzenbach, who testified before our committee, and Mr. Acheson, a former Secretary of State, and the present Secretary of State, within the last month, virtually said that as Commander in Chief he can do as he pleases with our troops in the world. They have abandoned the Constitution.

I am glad to see the Court as the Senator mentioned, sustained the view of the Senator from Oregon, with which I agree. I think it is correct.

Now, all we have to do is persuade Congress to live up to its constitutional responsibility. The Senate has to exercise its power. If a majority of the Senate wants to continue the war and have our boys stay there and become drug addicts and all the rest, they can do it; but if they reject the McGovern-Hatfield amendment they must take the consequences. I believe the Senator is clarifying the situation. It is the responsibility of the Senate and Congress. We, as a part of Congress, have to authorize it or not.

It presents some problem on the draft because in principle I have not yet been convinced that over a long period a professional army alone is in the interest of the democratic system. But I am torn by the matter of prolonging the war. I do not want to say it is in the interest of this country to continue the war. It presents a difficulty and I have to eventually resolve those things. It does muddy the water.

But the heroin problem and the de-

moralization of our forces has become a serious problem to military men. General Shoup in the last 2 weeks testified that he thinks it is horrible what it is doing to our Armed Forces, especially the enlisted men and noncommissioned officers who are subjected to the worst part of it. That is of greater importance to our national security than what happens in Vietnam. How this can be put before the interest of our own people and our country is beyond my comprehension. General Shoup is an old marine but he is interested in all the Armed Forces.

I congratulate the Senator.

Mr. HATFIELD. I am grateful to the Senator. I would like to add one small statement. Prior to the Senator's arrival, and I am sure he will take the time to read the RECORD on this matter, I think I made a statement related to the question of the draft being in the best interest of our democratic system of government. I would appreciate very much if the Senator would take the opportunity to read those remarks because this is a very good question that has been raised in a very profound way by many people. If the Senator will read the statement in the RECORD he will find there is an overwhelming amount of evidence from our history and the history of other countries which would indicate that it is in the best interest of our democratic system to have a volunteer army, a non-conscripted army, and that it is the best method of manpower procurement. I hope the Senator from Arkansas will be persuaded by that argument as well as the argument with respect to heroin. I think repeal of the draft could stand on many foundations. The Senator's judgment could be justified for many different reasons.

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

Mr. HATFIELD. I am happy to yield.

Mr. STENNIS. I have one question I wish to address to the Senator from Arkansas.

I heartily approve what I understood the Senator's position to be with respect to the all-volunteer, all-professional military service. As I understood the Senator, he said he had great misgivings about the adoption of such a system. Is that correct? Will the Senator enlarge on his statement? It is very significant.

Mr. FULBRIGHT. I do. For example, one thing impressive to me is the effect of the draft. These veterans against the war came here and made such a persuasive case before the Committee on Foreign Relations and elsewhere. They were not professional soldiers or graduates of the Academies. Their influence in putting this war in perspective for the American people and for the Congress was, I think, significant. I realize that the administration has tried to ridicule them and the Vice President has made fun of them. I think that is the grossest kind of libel they have undergone. One of their spokesmen, who was so criticized, had two Purple Hearts and a Silver Star. There were many there without legs or arms. But these people represented the men in the Armed Forces.

One of the reasons for having the draft is to infuse the military with people from all sections and sectors, and keep them responsive to the sentiments and the will of the people, so that they do not set themselves apart from society, with the privileges and prerogatives of modern life, with everyone living in houses all over the world where we have bases, like the President has, and their getting the idea that everybody lives that way. They should be closer to the people. This is a matter of the necessity of a draft as an instrumentality. True, we did not have the draft for many years, and we used it only when we needed it; in other words, when we were at war.

What bothers me in this particular question is the effect of the draft on the war in Vietnam. I would do almost anything I could, that was not illegal, to stop that war. I have made every argument I can against it. I am tempted, I am torn over the temptation, if it would take that to stop the war, to vote to end the draft.

I am for the amendment which would cut off the funds for continuing the war. I am certainly for that without reservation. The only thing that has bothered me about the draft is the element I have mentioned. If we adopt a policy to have in the military nobody except professionals, if we are going to give them the remuneration that will keep them in the military, we are going to create a caste, an elite, which might lose all interest in the preservation of our constitutional system.

Mr. STENNIS. I thank the Senator for his fine statement.

Mr. GRAVEL. Mr. President, if I could engage my colleague in a colloquy in that regard, I think it would be very important to have this exchange in the RECORD. It strikes at the core of a good deal of misunderstanding in this body about the draft.

I know the Senator from Arkansas is for an end of the war in Vietnam, and I am struck by his statement that he would do anything short of something illegal to do that. While I appreciate that, it strikes me as important that the instrument of our national policy that permitted us to slip into the war in Vietnam was the draft, so, holding anathema the result, he would also, I would hope, hold anathema what permitted that war to be brought about.

Let me cite for my colleagues a case in Alaska which demonstrates that just the opposite of what the Senator suggests happens. The military is held aloof and held aside when there is conscription, not when we have volunteers, because when we have volunteers we are prepared to pay them a proper wage to render service to our society, just as civil servants are paid a proper wage to render service. Being paid that proper wage, they would have an opportunity to live within the civilian economy. But in Alaska they are held on the bases because they cannot live within that economy since they do not receive a decent, livable wage.

I would plead with my colleague from Arkansas to read the statement made by the Senator from Oregon. I was not praising it out of order when I said the statement he presented today will be the benchmark of the whole debate on the draft, because it goes to the accession and combat arguments.

More importantly, I point out that it was not a draftee who came back and talked about My Lai; it was an enlistee; it was a volunteer. I was a volunteer. Many Members of this body were volunteers. We enlisted on the basis of patriotism.

It is the volunteers who engage in these legitimate protests. So it is the draftee, pressed into service, who is least likely to reveal what is wrong and who will not be the person who has pride in his service.

The figures the majority leader inserted in the RECORD on NATO are figures brought forward by Lieutenant Colonel King, who, in my mind, did a tremendous service to this Nation. It was not a draftee who did that yeoman's service; it was a man who had pride in our military.

In our history we have had nine wars, four and a half of them with a draft and four and a half of them without a draft. In our Revolutionary War, our most important, we did not have a draft. In our Spanish-American War we did not have a draft. In our war with Mexico we did not have a draft. Half of the Civil War was fought without a draft. The First World War could have been fought without a draft.

This is what the draft does, and this is the core item. If we have a society of representative government, which we all say we do, and if this Government finds it necessary—unless there is a danger of imminent invasion, as there was in World War II—to impress people into the military to effect its policy, there is something wrong. There should be enough people in a representative government to volunteer, to have a patriotic commitment to do the job. If that patriotism is not there, as it is not with respect to Vietnam, then we should not burden our people with a continuation of that policy. So, in a representative government, people should stand up and say, "I believe in my country and I am going to enlist." That should be automatic in a representative government. If it is not, it should immediately ring a bell indicating that there is something wrong with the activity we are pursuing. Regardless of whether or not there is a majority will, there is something wrong if people will not volunteer in a system of representative government.

In my mind, one of the safeguards of our system of representative government is the volunteer aspect of a volunteer military policy. What does the most harm is conscription, because that develops a voracious appetite in people, it is inefficient and costly, and it permits laxness on the part of the other people. People can then say, "We can do that. We can stop them in Vietnam. We will go do it in Vietnam. We have 18,000 people in the Philippines."

Mr. FULBRIGHT. What difference does it make if they were all trained and ready to go as volunteers, when they were paid more than schoolteachers——

Mr. GRAVEL. They will not be.

Mr. FULBRIGHT. Why not?

Mr. GRAVEL. Because, first of all, we do not need the force level we are talking about. We have let ourselves get to a level of 3,500,000 men under arms.

Mr. FULBRIGHT. We are not going to need them, anyway. We have all these sophisticated weapons. All one has to do to start a war is punch a button.

Mr. GRAVEL. It is interesting to note that when the politicians in 1948 were pushing for the draft we had 1,300,000 men under arms. That was during the full burgeoning of the cold war. They felt we had to have that level in order to protect ourselves against the enemy, being the Soviet Union at that time. So they decided that what we needed as a Nation was to set that level at 2 million men. Now we have another set of politicians and military leaders who believe that today, with the computerized battlefield and pushbutton weapons, we need, not 2 million under arms, but 2,500,000 men under arms. That argument can be made all by itself, but it really has nothing to do with the issue I have delineated, which is that under our system, where a proper policy is being pursued, people should volunteer for it, and not be pressed into service or be punished if they do not do it.

Mr. FULBRIGHT. That is a very persuasive argument.

The thing that bothers me most now is what the Senator from Oregon said a moment ago about the court saying that by voting for the draft, you thereby authorize or endorse the conduct of the war. I had not really considered that very seriously before, because we do not vote for the draft just for the war; we vote for a draft for anywhere. A man drafted under this law, as I understand, can be sent anywhere in the world, to the Dominican Republic, or anywhere else.

Mr. GRAVEL. Exactly.

Mr. FULBRIGHT. It is not just for the war. But the court taking the attitude that it is an endorsement of the war in Vietnam, which I take it was the implication of what the Senator said, I certainly do not like that idea.

The first time I really began to turn against the foreign aid bill was when Secretary Rusk said, "By voting for foreign aid for Vietnam, you helped make a commitment which is consistent with the conduct of the war."

In that way he was, in I thought a very strained and unpersuasive way, saying that we authorized the war by approving foreign aid bills.

I would be very embarrassed if I voted for the extension of the draft and it was thrown in my face that I thereby voted to continue the war in Vietnam.

Mr. GRAVEL. If I may answer my colleague, that is the only thing that could be thrown in his face, because a free nation, that is not under threat of invasion or attack does not need the draft.

Mr. FULBRIGHT. Certainly we are not under any threat of invasion, and we never have been, from Vietnam. How could the court think we would have put the draft in effect to avoid an invasion by Vietnam?

Mr. GRAVEL. Of course the argument is that if we do not fight the war in Vietnam, the dominoes are all going to fall down.

Mr. FULBRIGHT. That is a ridiculous argument. I never have subscribed to that.

Mr. GRAVEL. Then I would hope that my colleague would see the wisdom of the very important fact that, as a free nation with a representative government that is not in any danger of being invaded, we do not need the draft, and that the only valid argument for retaining the draft is that we are waging a war in Southeast Asia. And if that war is wrong, then in all conscience we should not have the draft.

Mr. FULBRIGHT. I will have to say that the Senator is very persuasive.

Mr. GRAVEL. My colleague is very kind.

Mr. FULBRIGHT. I will give the matter further consideration.

Mr. HATFIELD. I thank both my colleagues, the Senator from Alaska and the Senator from Arkansas, for the colloquy.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate now stand in recess until 1:30 p.m. today, with the understanding that the time be equally charged to both sides.

The motion was agreed to; and at 12:42 p.m., the Senate took a recess until 1:30 p.m.

On the expiration of the recess, the Senate reassembled when called to order by the Presiding Officer (Mr. CHILES).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. CHILES). The pending business is proposed amendment No. 106 to amendment 76, to H.R. 6531 a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. That is known as the Hatfield amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, I shall not detain the Senate at great length on this important matter. It is very important, because it strikes at the very vitals of the entire bill; and if this amendment should pass and become law, then, in substance and in effect, the active, creative part of the bill would be the controlling part, and it would kill the Selective Service System. There could be no more inductions into any of the services, and we would have gone to the so-called voluntary concept not only for the Army, but for the Air Force, the Navy, and the Marine Corps as well. I say, with all deference to everyone, that this would be without any substantial preparation whatsoever, and no alternative method to take the place of our system that we have now.

I wish to say this about the Senator from Oregon and his attitude: There could not be anyone more sincere or more consistent than he has been and still is about this matter, as well as other matters that he works on. I remember some years ago while he was Governor of Oregon, there would be meetings of the State Governors, and there would be resolutions about the war in Vietnam, and I remember that one time, as I read the news report, 49 Governors voted to back the war in Vietnam and one voted no, and that one was the Senator from Oregon.

That goes away back. He is very sincere about it. He has been sincere and consistent here on the Senate floor since he became a Member of this body. And the rest of the Senator's life is consistent with the position of meaning what he says and saying what he means as well. So I have no thought to the contrary, and I do not intend to say anything, even in the heat of debate, that is contrary to the sentiments I have just expressed.

But with all deference, I say again, every vote that we have had—now, this is not a happy day here in the Senate, to be having to vote for this bill—has been a hard vote with reference to the proposed amendment. It is not a popular thing to do.

I have never had a more convincing experience here than on this bill, when the majority of Senators, time after time, marched up to the line and did the thing that was most difficult. The hard vote was what the majority cast. In every vote that has come up so far, the majority has said in one way or another—rather substantially in some instances—"We think it is necessary to continue the draft."

We may vary as to how long, but these votes have well established the fact that the bill as reported by the great majority of the committee is thought to be necessary, at least for some time in the future.

So what are we talking about? We are not talking about just the war. This bill is not designed to take care of the war in Vietnam. It is not designed to take care of NATO or the people of Western

Europe. The primary purpose of this bill is to provide the military manpower to man our forces in the air, on the ground, and at sea—the military manpower necessary to protect the people of the United States. That is the main purpose of this bill.

The other matters are connected, and they have some bearing—such as the war in Vietnam or NATO, which we debated here for a week. They have a relevancy. But we must keep our eye on the ball and remember what the main purpose of the bill is. It is to supply enough of the proper kind of manpower.

You can go down here and out yonder and everywhere and pick up some bodies, and you might get them for a bonus or an increase in pay. But I am talking now about the necessary manpower of the proper kind of which a percentage at least will have the talent and the dedication and the character and the know-how to man what we consider our necessary military machine—the weapons we may need for our protection. I shall elaborate in the future about the very high integrity that is required for many of these positions.

Even if it were possible to get enough of that type of men through the so-called voluntary system, there is no method, there is no plan, there is no effective machinery to put into motion that will do it, at least not for 2 years; but this bill would just knock it out at once.

Let us remember, too, that we are talking about the manpower and the method really of obtaining that manpower. This is getting right down to the grubbing. That is what the bill does. It provides the procedural and the operational method of obtaining this manpower.

The argument has been made here, "Well, we are going to get them, but we are going to get them through voluntary means," and they support that argument with the Gates Commission report.

Mr. President, I have had a very high regard for Mr. Gates, the former Secretary of the Department of Defense. I knew him well when he was Assistant Secretary and Deputy and then when he was the full Secretary.

I did not agree with the reasoning of that report from the beginning, but I had a very satisfactory conference with him. Then, this calendar year, after the Gates Commission report had been abandoned by the President of the United States, had been abandoned by the Secretary of Defense, and was no longer proposed and no longer recommended—in effect, they said it was inadequate for the present time—I nevertheless telephoned Mr. Gates when we were holding these hearings and spoke to him about coming here to testify. I told him he would be welcome. I am not disclosing any confidential matter. We just had this open, frank talk about it. The invitation was extended. It was not rejected and it was not accepted. It was just left there, and nothing else developed. We agreed that if anything new developed as I saw it, I would call him, and if anything new developed as he saw it, he would call me. That proved to be the end of the matter.

I am not rejecting the man. I rejected the reasoning. Still, I was willing to give him all the time he wanted, and he fully understood that.

So I respectfully say that the report has been rejected not only by the President of the United States, the Department of Defense, and the Secretary of Defense, but also by the Committee on Armed Services. It has been rejected by the House. This is a House bill. It has been rejected by the committee and by the House.

So when we get down to the real grubbing, I am really surprised to find that such a high percentage of the men—the record shows—were induced to volunteer by the fact that they were approaching the time when they would be called.

I did not take the Gates Commission report lightly. Last year, as soon as I could, after the passage of the military bill, I went out on a mission of my own, because I did not believe that the members of the Gates Commission, wise as they were, had talked with the GI's. I wanted to get to the grassroots of this matter and see how they felt.

I started out on Labor Day. I believe Fort Lewis, Wash., was the first place I visited. I went to an Army installation in Alaska. I went to an Army installation in Louisiana. I visited an Air Force installation in Texas—I believe I visited three in Texas.

I sent this word in advance:

I want to talk to small groups of men. I want some who have just arrived there for induction. I want some who have just finished their basic training. I want some who are just leaving for Vietnam. I want some who have just returned from Vietnam. I want some who are sergeants, some who are corporals, some who are lieutenants, and some who are captains. I want to meet in a room with closed doors, with them alone, no one there except the group, and I will be the visitor. I want them to ask me questions, and I will ask them questions.

I went at the matter in a methodical way, and in that manner I interviewed more than a thousand men of the types and groups I have mentioned. I put two major questions to them. One concerned the war. I just mention that in passing. The primary question was, "What do you think would be the situation if we had no Selective Service Act and everything was up just for the volunteers?" I talked to them and told them who I was, what my mission was, and what my duties were here in the Senate; and I could tell, when I got their confidence, that one thing was I was going to let them ask me questions, and I talked on before asking the questions until I felt I had gotten their confidence, and then I asked each man in the group of 15 or 18, whatever it was, the question as to what he thought about the draft and would he be there had it not been in existence, and so forth. I did not ask, "Do you agree with what has been said?" I asked each one of them the question, and I made notes as I went along, and I am fully satisfied that 90 percent to 92 percent of these young fellows said they would not be in the service if it had not been for the Selective Service Act that was bearing down on them, which is no reflection on them. That is as American as anything else.

The first thing I mentioned to a group of Air Force recruits was, "The record shows you are all volunteers; is that not correct?" Well, they looked at each other for a while but no one changed the expression on his face. I swung around until I got their confidence better and then I said, "I have already mentioned that you are all volunteers according to the record, is that not correct?" And at that time they all broke out laughing. They laughed at the idea that they were volunteers. They told me the circumstances were that they enlisted in order to get a choice, but the real reason behind it all was the prospect of being drafted. That is the American pattern, as I say.

I found that, all the way through, to be about the same. No more convincing thing could happen to a person than to sit there and talk to those boys. I was enjoying it so much, I was not working, but I stayed there with one group, I remember, until 7:45 at night, one hour and a half late for a social engagement there on the post which I had made.

They were telling me the truth. However, I was challenged by one young fellow who said, "You are out here using us as a front, as an experiment. It has already been established as a fact that the volunteer system will work." I remember him expressing himself. I said to him, "Well now, where did you get that idea?" He said, "I read it in the newspaper." I said, "Well what did you read about it?" He replied, "I read about the Gates Commission report."

He was basing his statement on the fact that he thought some wise men had determined this matter and therefore it was a fact and I was a troublemaker.

I tell you that, Mr. President, to show that this was not unanimous. But all the way through, the trend of the answers was substantially the same. These boys were from all over the United States. One group had not even been there long enough to get their hair cut. I went down with some of them the next morning early when they were to get their haircuts. I got down to the grass roots level in talking to those 1,000 men, I am sure.

I believe that the Senator from Arkansas gave another sound reason but that is a matter for future determination. I found out now—I got the percentages later—according to the Air Force, their own records show that 47 percent of their first-term men were induced to join by the draft. I think it is higher than that, but according to the record, that is what it is.

The Navy figure is 42 percent of all its first-term men. Someone in the Navy, keeping the official record, put down that many as being draft induced.

The figure on the Marines is 33 percent. They have the best recruiting system, I think, of any of the services. I do not say they are better than all the rest, but they make a fine appeal and, according to their records, 33 percent were induced because of the effectiveness and the long hand of the draft.

On the Army, I do not have the exact figures with me yet, but it is well over 50 percent, according to the record. I will give that precise percentage later; but according to the records that were kept before the Gates Commission reported, or before this bill ever came up, the draft inducement was the controlling factor and, as I say, I believe the figure is higher

than that. But, anyway, those figures are in the record.

My experience with these men was revealing. I stayed with them until I was fully satisfied that that was a very good cross section, that it was not just a passing fancy of those who were there. I do not think the young fellows knew, certainly at the beginning of the group, what the questions were going to be, as I had not talked to anyone, but the answers were consistent all the way through. I did not finish up on that until some time in late November, as I remember—early December. So that the answers were consistent and ran all the way through.

I mention these things as background and as bedrock bottom on the real facts of life as they are, not as someone theorized, calculated, experimented, or concluded here in the commission. That is the way I found it.

I talked to many Senators and they found the same thing, but they can speak for themselves.

The men in uniform, I do not take their recommendations anyway, but apply the facts the best I can to what commonsense I have. I want their advice on military matters, of course, but I think the commonsense approach will teach us more about human nature. But we can find that the military men of experience depend on the sergeant—what we used to call the first sergeant—they have different names now—but these men are experienced, particularly in the Army. I have talked to the young officers who deal with these young men, and to many hardheaded fellows, and if one will examine closely what a lot of the military men of high rank say about this system, we will see they have tongue in cheek to an extent.

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. No, I have not finished my speech yet.

Mr. HATFIELD. I thought the Senator was finished with his remarks.

Mr. STENNIS. Mr. President, I yield to the Senator from Wyoming (Mr. McGEE) without losing my right to the floor and ask unanimous consent for that.

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

VISIT TO THE SENATE BY MEMBERS OF THE BRITISH AND AUSTRALIAN PARLIAMENTS

Mr. McGEE. Mr. President, shortly I shall ask unanimous consent that the Senate take a brief recess, so that my colleagues in the Senate may have the opportunity to greet several of our colleagues from Britain, with an extra dividend today of one of our parliamentary colleagues from Australia.

Mr. President, I want to say now that we have a distinguished group of our counterparts in the Chamber whose problems, I gathered from the extended dialog over the weekend, are at least as complicated and complex as ours, whose partisanship is as statesmanlike as ours, and whose uncertainties about the absolute solution of the difficulties of our time are as marginal as ours.

This strikes, thus, a kinship that links us all closely together, for we all discovered in a special conference that we were having on African problems out in Jackson Hole over the weekend that we had very few solutions. We generally agreed on the substance of the difficulties and were less sure that we were right in our various advocacies. But this, too, became a link among the parliamentarians of the governments of the world. And I would hope that now, having expressed our welcome to them and having brought them back down to earth again—they have been up in the clouds for several days almost literally, several thousand feet—having brought them down to sea level in Washington, that they will come to grips once again with the real world instead of living in the attributes of outerspace in which life of high quality the shortcomings of man are less visible than in this part of the world.

RECESS

Mr. McGEE. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes so that we may say hello to our colleagues from Great Britain and Australia.

There being no objection, the Senate (at 2:10 p.m.) took a recess until 2:20 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. ROTH).

ORDER OF BUSINESS

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

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield 1 minute to the Senator from Colorado without losing my right to the floor.

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

Mr. ALLOTT. I thank the Senator from Mississippi for his always unfailing courtesy.

ORDER FOR STAR PRINT OF S. 1228, PERTAINING TO THE GOLDEN EAGLE PROGRAM

Mr. ALLOTT. Mr. President, on March 12, I introduced S. 1228, a bill to restore the Golden Eagle program to the Land and Water Conservation Fund Act.

My introductory statement listed Senator METCALF as a cosponsor.

However, an apparent typographical error on the bill which was submitted resulted in Senator METCALF's name not appearing on the actual bill.

I ask unanimous consent for a star print, corrected to show Senator METCALF as an original cosponsor.

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, as I have pointed out, this is a manpower bill. It is designed to raise the necessary type of manpower for all of our services for the next 2 years; but if this amendment should be agreed to it would take the very heart out of the entire system and would not permit anyone to be inducted into any of the services and thereby there would be removed a great part of the primary incentive for a high percentage of these men we have in the service.

I wish to point out something else about the bill that is directly in point with respect to the manpower bill. The bill presented to the Senate by the committee has written in its provisions some of the most firm language that has ever been included in a bill by a Senate committee.

First is the 150,000 ceiling per year on the number of inductees that can be brought into the service through the Selective Service Act. We wrote that in deliberately and with the intention of putting a firmer and more effective hand on the manpower problem. We did provide, however, that should there be an emergency, which is so declared by the President and reported to Congress, the President could increase that number of giving his reasons therefor. That is a commonsense provision. One might call it an escape clause but it is not an escape clause, as such. It is a sound provision of law that gives the President the right to act in an emergency.

Second, we did not accept the estimates, the figures proposed by the Department of Defense for the instrength of the services, but wrote in a reduction of 66,000 men, in average strength—that is a technical term—which means a reduction of about 100,000 in the instrength; that is, in authorized military manpower.

This is another instance in which the committee bill places the firm hand of control and review on the entire manpower problem.

I am not going to take a great deal of time. This matter will be debated tomorrow and it will be debated again Friday when there will be a vote on the amendment, according to the agreement, and also on the Schweiker amendment which would limit the life span of the act itself to 1 year.

I want to speak briefly today about the problem that will be created by moving too quickly to remove the draft, either this June 30 or next June 30, since it is my view that both the amendments proposed by the Senators from Oregon and the Senator from Pennsylvania are most unwise.

Both amendments presume, to some extent, the validity of the recommendations made by the Gates Commission. Like many economic analyses, the Gates analysis was somewhat weak in its ability to deal effectively with dynamic situations, with transitions, such as the transition from a force comprised primarily of men who are drafted and draft-motivated to a force comprised entirely of men who enlist for economic reasons or

reasons of personal commitment. I want to make it clear that I am not discussing a possible, later, ideal, stable world in which we might be able to have a volunteer army. I am talking about the problems of the moment, and specifically about the incredibly serious difficulties which could be created if we tried to completely change the entire character of our military services—all of them—in 1971 or 1972.

Mr. President, it is just inconceivable to me that within the span of the present calendar month, June 1971, before this month is over, within 28 days from today, we say it is our sound, solid judgment that we do not need any longer the Selective Service Act and that we are not going to permit the President to bring anyone into the Service or permit it to stay on the books so it will be an inducement to bring in this talent and dedication to which I have referred. It is just unthinkable to me that a majority here could reach the deliberate conclusion that that is the safest, soundest, and best thing we could do in this field of problems, and they are problems. I do not believe it is going to happen by a long shot.

Today I will concentrate on the problems which would be created by abolishing the draft immediately, as is proposed in the amendment before us. There would also be severe difficulties, however, if we tried to completely change our entire military manpower system in as short a period of time as 1 year much less 1 month. I will discuss that issue—which is relevant to the amendment proposed by the Senator from Pennsylvania—later in this debate.

But, serious as it is, a shortfall in the numbers of men is not the only thing which would be produced by a precipitate end to the draft. The draft is vital to our own security—it is vital to provide the men needed to man the ships that protect our shores and the missiles and bombers that do the all-important job of deterring nuclear war.

When I called and got the figures I am going to give I was surprised. Let me give some illustrations. Over 42 percent of Navy first-term enlisted men are motivated to enlist by the draft. That is according to the record made before this matter came up for debate.

This means that, on the average, about 3,650 out of the 8,600 first-term enlisted men who man our Polaris submarines would not be serving if it were not for the draft.

We are not talking only about the war in Vietnam; it does not involve NATO in Europe alone.

The same proportion would apply to the 38,000 first-term enlisted men needed to man our aircraft carriers; over 16,000 of these, on the average, would not be in their current jobs without the draft.

I have had an overdose of talk about the war in Vietnam and about NATO since the debate started. I said I wanted to know about the men who served to protect our shoreline and our missile crews and our Polaris submarine crews. That is when I started getting these figures.

To be even more specific, about 245 enlisted men are needed to man a typical Polaris submarine. Fifty-four of those men, about 42 percent of the first-term men, would not be on that submarine today if it were not for the draft. About 4,800 enlisted men are needed to man an aircraft carrier. About 1,320 of those men would not be in the Navy if it were not for the pressure of the draft; that is according to the official record. I did not visit any of the Navy men, but I have already related this afternoon my personal experience in talking to young men away from their officers and away from everyone else.

The statistics for the Air Force indicate an even higher percentage of first-term enlisted men motivated by the draft.

I emphasize that I am talking about first-term enlisted men.

Nearly half—over 47 percent—of our Air Force recruits are draft-motivated. This means that, on the average, over 14,000 of the 25,000 first-term enlisted men needed to keep our strategic bomber—that is the B–52's—and the tankers that go with them and to maintain our Minuteman—that is the ICBM—missiles as a deterrent to nuclear war are motivated to serve in these jobs by the draft.

That is what the record shows. Where would they be if we had not had the draft? They would not be on those missions. They would not be in those places. If the draft is abolished and these men elect not to stay there and leave, there will be a vacant place there.

One may not agree with the philosophy or the form of government that requires, but, like it or not, if we are going to keep that stream of talented manpower flowing, we are going to have to have the draft renewed, certainly until there is time to build an alternate plan that will work—not that somebody thinks will work, or one that may work, but one that proves, by slow methods, it will work.

That is the only way we will get into the volunteer concept in all the services. I do not think it will, but if it does work, it will have to be by a slow process.

Again, to be specific, about 200 of the 800 enlisted men to keep a Strategic Air Command bomber squadron flying would not be wearing a uniform if it were not for the draft. About 350 of the 1,750 men needed to man a Minuteman wing would not be in the Air Force without the draft.

These are solid, hard facts. We need not try to argue how many men are working in a commissary or post exchange or things of that kind. There is a lot about that that I do not like, but that is not going to the heart of this matter. We are talking about this problem.

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

Mr. STENNIS. If the Senator does not mind, I would like to finish this short presentation.

Mr. HATFIELD. Very well.

Mr. STENNIS. Moreover, these figures, which are based on servicewide averages actually understate the numbers of men which would be lacking in these units if the draft were ended. This is because it is unfortunately the case that to a very significant degree the brighter men, the men who are competent to understand the technology of modern nuclear weapons, for example, are the men for are draft motivated.

That is a key point in this picture. We absolutely must have enough men with talent to absorb training and learning, and they must be men of integrity and dedication to the extent that they will make whatever sacrifice is consistent with staying on the job alertly and staying away from marihuana and all the rest of the drugs. We just must have those men in those key places.

The true volunteer, unfortunately, has not proven, on the average, to be as capable of performing these complex jobs I have just spoken of.

I, of course, speak with all deference. I have sensed this many times in dealing with these men. I raised these issues here with some of the authorities to see what they thought.

I want to stop here to say just a word about Dr. Tarr, who is now Director of the Selective Service System. He came into office about the time we started worrying about this bill and planning hearings and trying to get the issues clear. I have not been more impressed with anybody at any time since I have been in Washington than I have with this gentleman. He is straight and clean and clear and has competence galore, and he is frank, strictly honest, and I believe what he tells me.

The data provided to me by Dr. Tarr indicates that an Air Force study dated July 1970, shows that the draft-induced men in that service are better educated, had better scholastic records, and did better on the Air Force tests than the self-motivated volunteers.

This is a field where one cannot be exact about everything, but it shows a trend.

Sixty percent of the draft-motivated men had above average test scores compared to 36 percent of the true volunteers. Forty-five percent of the draft-motivated men could meet the criteria for entering complex courses, while only 25 percent of the self-motivated group were equally qualified. Thus, dependence entirely upon the self-motivated, without positive assurance that the capabilities of the group could be improved, would increase greatly the training problems and lessen the numbers of men required to do such sophisticated work as missile electronic maintenance—maintenance is an important assignment—avionics repair—another one that is important—communications electronics repair and weather forecasting.

These weapons are so complicated and so complex, loaded to the gills, so to speak, with all the new things technology can cause to be invented, and avionics, and all of the new terms, some of which are beyond me, all cranked into these new planes, missile, submarines, and everything else that goes with this new concept. They not only have to be operated, but also kept in proper repair.

So that is why I am putting my finger on this now, because it is one of the major elements in all of our manpower problems. It does not take great numbers

of them, but it is through this draft motivation that the services are able to get them.

A couple of years ago, I was handling an appropriation bill for the Department of Transportation. At that time the FAA wanted, I believe, 2,000 additional men to work in the towers. We approved that, and then were asked, at a special hearing, for 2,000 more. They justified the need, but I said to the FAA representatives, "You could not get that many."

They said, "We will get them."

I asked where they were going to get them, and they said, "We will take them away from the military."

The time of these boys was about up, and they induced them not to reenlist, but to come with the FAA. That is no reflection on anyone; it is simply competition in the marketplace. These men are trained there, and many of them come through the Selective Service inducement.

All of this is merely in corroboration of what I find now, 2 years later.

Mr. President, this briefly summarizes some of the reasons why it would be most serious for our own immediate security if we were to take such a dangerous and precipitate act as ending the draft before we had careful solutions worked out to these problems.

Let me repeat once again, we are not debating the Vietnam war here, we are not discussing the balance-of-payments problem. We are not discussing peripheral issues. We are going to be called upon to vote this Friday on two amendments which, in my considered opinion, could, if passed, fundamentally endanger the immediate security of the people of the United States—the people who live in all these 50 States.

I am glad to yield to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Mississippi. Is the Senator willing to yield at this time for a question or two?

Mr. STENNIS. Oh, yes.

Mr. HATFIELD. I really do not think that the Senator from Mississippi and I are in any conflict as to these new statistics which he has provided for the RECORD relating to the number of draft-induced first-term enlistees in the Navy and the Air Force, and I understand the Senator will provide such statistics for the Army at a later point.

But I would like to ask the Senator from Mississippi, if he would, to distinguish between the first-term enlistees and the total number of true volunteers within the enlisted rates of our military services.

Mr. STENNIS. I gave the figures as to the first-termers.

Mr. HATFIELD. First-termers?

Mr. STENNIS. Those coming in through the draft and those coming in as volunteers, but through draft motivation.

When we consider the figures on all the men that are in the services we include those men who have been reenlisting over and over. Many of those, though, who have enlisted more than once, came in initially through the same process we have been talking about. That is the way the services find the men who have the talent and the men find themselves, as to whether they like the military well enough to stay in. That is one reason why I do not want the draft law repealed.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HATFIELD. This is one of these interesting experiences we can go through here on the floor of the Senate, involving statistical data and studies that tend to be rather narrowly based. In order to get a real common base, I am sure the Senator would not disagree with the Pentagon's statement that since 1965—which gives us a 6-year period, at a time during which we had a 3.5 million military force level as a high during the Vietnam period—we have had a constant figure of 2.1 million true volunteers, not draft-induced but true volunteers.

This is certainly what the Pentagon has given out many times, both in response to individual inquiries and for official purposes like the Gates Commission study. So when we talk about true volunteers—and I certainly agree with the Senator from Mississippi that we have to delineate between the draft-induced volunteer and the true volunteer—the figure for true volunteers is based upon a Pentagon formula based on studying not only first-term enlistments. When they come up with a 2.1 million true volunteer level that has remained constant since 1965, I would point out for the RECORD that that is only 300,000 fewer than the Senate Armed Services Committee recommendations.

Consequently, I would suggest that with the inducement of the pay increase and other forms of inducements that I have talked about earlier today, we could meet the manpower requirements that we are all interested in having for the maintenance of defense without the draft.

Second, I would point out that we are not ending the draft suddenly and precipitously. Let me point out to the Senator from Mississippi that if we should fail to extend the President's induction powers beyond June 30 of this year, 1971, we still have in the pipeline—that is, those who are either in the process of being drafted or who have deferments, and therefore contracts with the government—some 12 million men. So we are not ending the draft precipitously by not extending the powers of the President for induction purposes, and I would suggest that during this period of time when we have all these men in the pipeline under the present draft program, when we have all these deferments that can be called up by the President at any time after we repeal the draft or fail to extend the induction power, we still have time to see how this pay increase and other inducements will work to develop an all-volunteer Army.

So I want the record to show that we are not taking any precipitate action or hurriedly moving to abolish the draft or to create an all-volunteer army without a sufficient transition. We have a transition, and I think that is a very important point to remember. As the Senator from Mississippi knows, we have 4 million today who are 3A's—that is, 4 million men who have fatherhood or hardship deferments. We have 1.3 million 2F's, student deferments. We have 213,000 2A occupational deferments. We have 19,000 2C agricultural deferments. We have 14,000 apprentice occupational deferments.

Consequently, we have approximately 12 million men in the draft manpower pool between the ages of 18 and 26, and we have 13 million between 26 and 35, which is the upper limit of legally defined draft eligibility.

So I point out that we are not doing anything that the Senator from Mississippi does not want to do. I stand with the Senator, shoulder to shoulder, on the maintenance of an adequate military defense. I do not want to see any precipitate action. I stand shoulder to shoulder with the Senator on that question. We are not involved in differences of opinion here as related to the statistics he has given. The only thing is that the statistics he has given are only as to first-term enlistees, who represent less than a quarter of the whole Military Establishment. When we look at the true picture, I think we come out with a far different conclusion than the Senator from Mississippi has drawn.

I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator from Oregon. I say to the Senator that without the inflow of new material, the flow of waters, or whatever one wishes to call it, that is coming in, when we cut that off, when we stop that flow, we are going to run out of men rather rapidly.

I notice that the Senator's amendment in its present form, as introduced on May 21, provides as follows:

> Notwithstanding any other provision of law, no person may be involuntarily inducted into the Armed Forces of the United States after July 1, 1971.

That would strike a line through those who have been deferred, would it not? It would leave them out. They could not be inducted, is that not correct?

Mr. HATFIELD. Will the Senator restate the question?

Mr. STENNIS. Yes. Under the terms of the amendment as introduced on May 21, 1971, those to whom the Senator referred, who have been deferred by legal action, could not be inducted under the terms of this language.

Mr. HATFIELD. Not after the date of July 1?

Mr. STENNIS. That is July 1 of this year.

Mr. HATFIELD. I thank the Senator.

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

Mr STENNIS. Let me finish my answer on this.

The Senator from Oregon brought up the figures that I told them did not give a clear picture as I saw it. The real test is that these men that are coming in, the percentage that these first-term men represent; and when we find we are dependent on them, we know that when we cut them off we are going to run out of material rather rapidly, because many of them will not stay when their terms are up. I say we cannot have the ones coming in now, with the training period of

some of these men in the Air Force and the Navy running from 12 to 18 months.

With respect to some of these key men on the carriers who come in through the draft-induced voluntary system, it takes 2 years to train them adequately for those sensitive positions. We are going to lose them. Some of them are in for 3 years and some are in for 4 years, but we have got a training time in there that is absolutely necessary. We get plenty of them and select from those men who have the talent. That is the key point.

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

Mr. STENNIS. I yield.

Mr. HATFIELD. Would the Senator disagree with Assistant Secretary Kelley when Assistant Secretary Kelley testified before both the House and Senate Armed Services Committees that if the inductions were terminated as of June 30, 1971—this June—and that if no incentives were added, the greatest short fall experience would be 213,000 men, which would bring us to a 2.282 million level, or 113,000 if we use the Senate Armed Services Committee level of 2.4 million men.

Consequently, we are talking now not about the ability to attract good men. We are talking about some basic statistics here that I think we have to have so far as making any judgment is concerned, getting beyond the realm of opinion or whether we are taking a poll or a survey. But here is Secretary Kelley's testimony that very clearly says we would only be in a shortfall of 113,000 men with no incentives or pay increases or other recommendations made by the Gates Commission.

Would the Senator from Mississippi disagree with Secretary Kelley on that judgment?

Mr. STENNIS. I have found Mr. Kelley to be a capable secretary. I do not cast any aspersions on him or anyone else, but I do know that in the Pentagon they were told a long time ago to get up figures and show figures that would justify the volunteer Army concept, and so forth, and I know that they have worked mighty hard on this. I do not say that they have given false figures, but I am not sure that his interpretation of those figures is correct.

I am the one who called for the figures on those first termers, because I know that that is where they get the men, some of whom have performed during their term, but that is where they get many of those men who stay with it. They find the talent; they discover who is responsible and reliable and free of drugs and booze and so forth, for the sensitive spots.

When you cut that off you are just not going to be able to go out in the marketplace and find enough men and bring them in and select from them. Many of them just do not work out and do not measure up for one reason or another.

Mr. HATFIELD. Will the Senator yield?

Mr. STENNIS. I yield.

Mr. HATFIELD. I appreciate the Senator being willing to yield.

Here, again, we are in a very perculiar situation; because, as I said the other day, those of us who are not on the Armed Services Committee have to rely upon some kind of data and statistics. I would think that if we cannot rely upon the official testimony of Assistant Secretary Kelley and other men like him when they appear before the Senate Armed Services Committee and the House Armed Services Committee and give testimony they give figures that they hope will deny an all-volunteer army. They are not advocating it. Assistant Secretary Kelley did not come before the Senator's committee advocating an all-volunteer army. I would believe, therefore, that the statistics he gave would have been the hardest statistics he could have found to fight the idea of an all-volunteer army.

Yet, I repeat today that, based upon his own statements, his own testimony, his own statistics, we would have, roughly, a short fall of 113,000 men with no incentives. This is his own language. These are his own words. I find myself troubled. I am terribly confused. If I cannot take Assistant Secretary Kelley's testimony, his data, his statistics, do I have to wait upon letters or new studies or new data? When do I come to a place where I can make a judgment based upon reliable fundamental, solid figures?

Mr. STENNIS. That is a calculation that Mr. Kelley made. It is a calculation that General Westmoreland made when he said we have to get this volunteer army concept going. It is a calculation. It is contrary, I think, to commonsense. They have a lot of them calculating, but they did not support the Gates Commission after all, because they could not make it go that fast.

The President called for 2 years as a minimum. They are still trying to get ready, and they might come through better than I think.

Mr. HATFIELD. That is based on calculations——

Mr. STENNIS. I do not say these figures are false, but they were always trying to justify the volunteer army concept eventually, within the 2 years.

I asked one general, an esteemed man, what he could say as a practical matter to back up the volunteer army concept. He said, "Well, we must all have faith." I do not know what that means in the category of trying to figure things.

Mr. HATFIELD. Mr. President, will the Senator yield for one question?

Mr. STENNIS. I am glad to yield.

Mr. HATFIELD. Would the Senator please give us, for the record, what the accession rate requirement is to obtain a 2.4 million and a 2.5 million level? What accession rates would be required to do that?

Mr. STENNIS. I do not recall that offhand, but there are some figures that will——

Mr. HATFIELD. Can the Senator get that for the record?

Mr. STENNIS. Yes, I will. Some figures are available.

Mr. HATFIELD. We ought to have some solid foundation upon which to make a judgment.

Mr. STENNIS. Some figures are available along that line. I do not have them in mind now, but I will try to get them.

Mr. HATFIELD. Will the Senator agree with Assistant Secretary Kelley on his accession rate requirement?

Mr. STENNIS. I want to point this out: Secretary Kelley is talking about bodies, counting men, just men, by the head. I have been talking here about the quality of men, competent men, to operate these electronic devices, to repair them on the carriers, under the sea, in the submarines, up in the sky, in the bombers. They go all over the world. The source of supply of this type of man would be cut off by the Senator's proposal. They are talented, they have aptitudes, they have integrity. Many times they have not been discovered even by their home towns. But they get in there, and it appeals to them, and they just burn up the records in developing into these kinds of fellows.

Mr. HATFIELD. Is the Senator acquainted with the quality studies made by the Gates Commission between the enlistee and the draftee?

Mr. STENNIS. I have studied the Gates Commission report to some extent and, with all deference, before I got through with it, the President had already dropped it. He was not standing on it. He went off on another plan. So I do not believe it convinced those who are in favor of the volunteer army that it is sound. If it could not convince them, I knew it could not convince me. I am glad for the Senator to have it.

Mr. HATFIELD. I should like to put into the RECORD tomorrow portions of these studies, because I think they are very interesting material.

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

Mr. STENNIS. After talking to those GI's—I do not know whether the Senator from Oregon heard me speak about it——

Mr. HATFIELD. Yes.

Mr. STENNIS. I felt rather certain that the Gates Commission personnel did not talk to the GI's before they wrote that report.

Mr. GRAVEL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. The point raised by the Senator from Mississippi on the quality of men I find difficult to accept because, coming from an area of small business in free enterprise, I have been accustomed to thinking that the best quality of person to get is a volunteer, one who is committed.

Mr. STENNIS. Mr. President, before I yield the floor, I ask unanimous consent to have printed in the RECORD again the quality statement about the kind of men, which is the answer to the question of the Senator from Alaska (Mr. GRAVEL).

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

Moreover, these figures, which are based on service-wide average actually *understate* the numbers of men which would be lacking in these units if the draft were ended. This is because it is unfortunately the case that to a very significant degree the brighter men, the men who are competent to understand the technology of modern nuclear weapons, for example, are the men who are draft-motivated. The true volunteer, unfortunate-

ly, has not proven, on the average, to be as capable of performing these complex jobs I have just spoken of.

Data provided to us by Dr. Tarr indicates that an Air Force study dated July, 1970, shows that the draft-induced men in that service are better educated, had better scholastic records, and did better on the Air Force tests than the self-motivated volunteers. Sixty percent of the draft-motivated men have above average test scores compared to 36% of the true volunteers. Forty-five percent of the draft-motivated men could meet the criteria for entering complex courses, while only 25% of the self-motivated group were equally qualified. Thus dependence entirely upon the self-motivated, without positive assurance that the capabilities of the group could be improved, would increase greatly the training problems and lessen the numbers of men required to do such sophisticated work as missile electronic maintenance, avionics repair, communications electronics repair and weather forecasting.

REORGANIZATION PLAN NO. 1 OF 1971

The PRESIDING OFFICER (Mr. ROTH). Under the previous order, and the hour of 3 o'clock having arrived, the Chair now lays before the Senate, Senate Resolution 108 which the clerk will state.

The legislative clerk read as follows:

Calendar No. 133, Senate Resolution 108, disapproving Reorganization Plan No. 1, reported unfavorably.

The PRESIDING OFFICER. There will now be 2 hours of debate, to be equally divided and controlled by the majority and minority leaders or their designees.

Who yields time?

Mr. McCLELLAN. Mr. President, I understood that the majority leader has yielded his time to me. I think the correct procedure here is that the sponsor of the resolution of disapproval should control the time favoring the resolution, and the opposition should be controlled by someone opposing. Inasmuch as the committee opposes the resolution, I probably would be the one to control that time, but I am very glad to yield that privilege and responsibility to the distinguished Senator from Illinois (Mr. PERCY) the ranking member on the committee, who is present in the Chamber. Thus, I suggest that the time be equally divided and controlled as between the sponsor of the resolution, the distinguished Senator from New Jersey (Mr. WILLIAMS), and the distinguished Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I thank my distinguished colleague, the Chairman of the Government Operations Committee, and I will accept that responsibility in his name.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time be equally divided between the two sides.

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

QUORUM CALL

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

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

PRIVILEGE OF THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that staff members of the Government Operations Committee and the Subcommittee on Executive Reorganization, including staff members Eli Nobleman, Robert Vastine, Stuart Stadler, and Brian Conboy, be permitted the privilege of the floor during the next 2 hours.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—I have no objection.

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

Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself such time as I shall need at this time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, in view of the rather limited time in which we are to debate this presidential reorganization plan, and the number of Senators who wish to express their opinions on the subject, I would like to limit myself to a general summary of my chief objections to the proposed new agency action and a statement of what I feel to be the most valid criticisms of the reorganization.

The President, in his message of March 24, clearly stated that he was asking an additional $20 million above the budget requests he had already submitted for the component agencies, which "would be directed primarily to finding new ways to use volunteer services." However, when Office of Management and Budget Director Arnold Weber testified before the Subcommittee on Legislation and Military Operations of the House Committee on Government Operations he testified that a substantial part of this $20 million—approximately 60 percent or $12 million—would go to antipoverty activities, defined in a subsequent letter to Congressman FRANK THOMPSON as VISTA-like programs. However, I must admit that I do not feel such developments as these promises of increased funding or agreements to redesignate the titles of the proposed associate directors are significant enough or reliable enough to justify a withdrawal of opposition to this plan. These changes are not only small ones, but they must be viewed in the light of previous promises made by some of the same people concerning other programs. Many of us can recall this administration's reassurances regarding the expansion and increased funding for the Job Corps and know what the actual fate of that program has been, a budget slashed from $282 million to $170 million. I will continue to examine this program as it is set forth in the wording of this legislation, and I urge my colleagues to do the same, placing in proper perspective the last minute pledges and shifts of expediency that, as we all know, can be so easily forgotten after the fact.

I have been asked by a few of my colleagues why I have submitted to a reorganization plan which involved a relatively small outlay of funds—at least initially—which appeared to be fairly insignificant—at least when considered in the context of the other more sweeping reorganizations that the President has planned—and which, quite frankly, was rumored to have enough votes to ensure its adoption regardless of its merits, or lack thereof. I wish to take a moment to respond to this point, and share my thoughts on this difficult decision. Almost exactly one year ago, on May 13, 1970, the House of Representatives rejected another resolution of disapproval, and the reorganization which created the Office of Management and Budget went into effect. No Senator offered a resolution of disapproval at that time, and 2 days following the House vote, the proposal went into effect. The Office of Management and Budget is now, as we are all well enough aware impounding and freezing funds appropriated by Congress for housing, public works, mass transit and other vitally important projects, and due to the provisions of this earlier reorganization plan, we have a situation where we cannot call these officials before any Congressional Committee if they do not wish to come and, in effect, have no oversight of their operations. I intend no criticism of the Senate that no such resolution was introduced, for it would have taken truly extraordinary foresight to have envisioned the arbitrary, and some maintain unconstitutional, actions of officials of the Office of Management and Budget in withholding funds in defiance of the expressed will of the Congress.

However, this development should serve to remind us of the enormous and far-reaching implications of the President's executive reorganization power. It is a power so sweeping that the usual order of parliamentary procedure has been reversed, and the veto prerogative is vested in Congress and the burden of proof, so to speak, rests upon the President. It is obvious, however, that the requirement for making a strong case for any reorganization is contingent upon congressional opposition. For it is during the hearings on such a resolution, that the testimony of administration witnesses of significant questions is obtained, and during the debate on such a measure that the legislative history relating to a particular issue is established.

Therefore, my resolution has a threefold purpose. First. It will allow Congress to carry out, to the fullest extent, its mandated responsibilities under the terms of the Presidential reorganization authority. Second. It will further provide an invaluable source of information concerning the intentions of the plan's framers and their interpretations of projected changes. Third. And, finally, but most importantly, this resolution is the means by which I hope the Senate shall put an end to the specific reorganization proposal before us, the reorganization plan No. 1.

My main objection to this particular plan is to its potential inefficiency, a liability which has its roots in the very abstract concept which is being used to

justify it. The only common element among the various programs to be included is their volunteer nature, and as we can see even this characteristic is present in markedly different degrees. Voluntarism, however, is undeniably a means to an end, and not an end to be glorified in itself. In this connection, I would like to quote from an editorial in Fortune magazine which was written by Mr. Roy Ash, Chairman of the President's Advisory Council of Executive Organization and introduced into the CONGRESSIONAL RECORD on April 20 by the senior Senator from Illinois (Mr. PERCY), a proponent, incidentally, of the action agency. Mr. Ash, in defining the main attributes of an effective executive branch structure, defined as attribute No. 1:

> At its policy forming and executing levels it should be clearly geared to the major and central purposes of government today rather than guided by historical or subordinate purposes, by narrow constituencies, or by letting means themselves become a purpose (bureaucracy in its least responsive sense).

May I repeat, these last words, written by the President's chief adviser on executive reorganization:

> Or by letting means themselves become a purpose (bureaucracy in its least responsive sense).

It is absolutely incredible to me that in the face of such straightforward advice from an expert chosen by the President himself to provide recommendations on reorganization plans, the first reorganization plan to be submitted is, in fact, not geared to a specific purpose, but is based almost entirely on voluntarism, per se.

In brief, since the idea of voluntarism is the common denominator by which these programs were selected for inclusion into the new agency, it was not surprising that the types of volunteers, the methods which they would employ, and the goals toward which they worked, would be quite diverse. What is surprising, however, is that the administration could continue to insist that it would be all productive of efficiency to combine such dissimilar programs as foster grandparents and the Peace Corps or Teachers Corps and SCORE under one management. Outside of some general platitudes about consolidating administrative functions, eliminating unnecessary duplication and encouraging better coordination, there is very little evidence that any of the specific details of the proposed combinations have been subjected to a critical pragmatic scrutiny.

The recruitment aspect, for example: Will the recruiter from the Action Agency who is interviewing college students for VISTA or Peace Corps, active businessmen for ACE and elderly people for RSVP positions, be as good a judge of the qualifications needed as the recruiter currently specializing in his one area? Can an advertisement or commercial campaign dealing with voluntarism in general, be as effective as one relating to a particular need? Or on administrative matters: Is one payroll office and one public relations staff likely to create greater efficiency, as the Senate Government Operations Committee Report maintains—page 16—when it is realized that different rates of remuneration exist for persons involved in all programs, and differing activities are to be publicized? And coordination of the programs: How, precisely, is the ACE volunteer helping a young businessman with his payroll problems, supposed to coordinate with the foster grandparent in providing attention to a small child? Some coordination is, of course, possible in the case of other programs, but it is at best a limited type, and could certainly have been accomplished with much less effort than through a massive reorganization.

Opponents of the merger have pointed out, with good reason, that the component organizations would stand to lose the sizable benefits which they derive from association with their present parent agencies, since they have the same overall goals. In an effort to counter this eminently valid criticism, the administration has again hedged: The SCORE and ACE programs have been split between SBA which will provide management and technical support, and the Action Agency would handle planning, recruiting, public relations. How this type of arrangement will avoid leading to a conflict between SBA and Action officials is difficult to envision. In the case of VISTA, foster grandparents and RSVP, a continued coordination with the parent agencies has also been promised, although it is not well defined, not mentioned at all in the actual legislation.

It is also impossible to envision a more efficient operation of these programs without maximizing the most precious commodity of all, the willingness to volunteer or participate. As far as I can determine, this human factor, without which the new action agency would fail utterly, was ignored almost completely in the planning stages. If there were any studies or surveys taken to establish the willingness of persons to volunteer under the circumstances of a comprehensive umbrella-type agency, they remain a secret. In fact, there seems to have been a notable lack of consultation with any of the volunteers involved in the merger. It is easy to see how, in their embarrassment, they have attempted to patch that up with later promises of consultation.

I want to say one further thing before my time runs out. This reorganization recalls to my mind another reorganization to strengthen a program—the Job Corps program. We had our hearings and our consultations, and it was going to be expanded and strengthened, yet we have almost lost some of the best of the Job Corps program.

I certainly hope that the mistakes of that reorganization will not be imposed upon the great reservoir of good will and voluntarism through approval of this administrative, bureaucratic, and most complex agency. It is a compendium of all of bureaucracy. We have learned this in the 1930's, 1940's, 1950's, and 1960's.

But, let us keep to the heart of the matter.

Mr. Walter Channing, the chairman of the National Planning Committee of SCORE, has testified that he was not even consulted prior to the introduction of the plan, and that to his knowledge, no SCORE volunteer knew of the plan until it became public knowledge. The end product of this neglect has led to an inevitable by-product—general disillusionment on the part of those affected. Of the five volunteer groups who have representative organizations to express their views, all five have expressed some form of opposition to the merger. If the views of the volunteer are so completely sacrificed to the planning of the nonvolunteer or bureaucrat, the end result is not likely to produce the degree of morale and participation necessary for a successful volunteer effort.

Administration promises to involve volunteers in the planning of Action have been made, and there are now reportedly some volunteers working on details of the plan. However, how fully their advice will be heeded, if the plan becomes a reality, is a matter of conjecture. The past performance of the administration must be taken into consideration in this regard, and therefore, the likelihood of volunteer input is quite small.

I have not even touched upon the disadvantages of this merger as seen from the perspectives of the various organizations involved, but have mentioned only the general criticisms of such a plan. I ask unanimous consent to have printed in the RECORD a list of several specific criticisms.

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

ARGUMENTS AGAINST THE PLAN

1. The Administration has failed to present substantive reasons for establishing a new volunteer agency Action.

There are no clearly defined purposes for establishing Action. The President spoke of "new national priorities," but he did not say what those new priorities are.

The Plan is full of ambiguity and rhetoric. A good example is the OMB official mission statement: "Its purpose is to strengthen and supplement local, national and international efforts to address and solve local community problems."

There is no explanation of the relationships between the component programs of Action. Mr. Blatchford stated that "we intend to enhance the overall effectiveness of each program by linking them where appropriate in common action." He does not say where is "where appropriate" or what is "common action."

2. It is impossible for Action to be as effective in the area of poverty as Vista.

The Administration says that the identity and poverty orientation of Vista will be preserved in Action. The record of the Administration toward Vista does not give it very much credibility on the issue of poverty.

The issue transcends credibility. No umbrella agency can be as effective in the area of poverty as a program located in OEO, which is concerned exclusively with poverty.

Furthermore, all the Administration's promises refer only to the Action which is created by the reorganization plan. It has said all along that the plan stands by itself. The obvious implication is that a new Action can be created by the later legislation which is coming to Congress.

3. Vista, Peace Corps, Foster Grandparents,

RSVP, Score and Ace are very different programs.

Action combines programs which are as different as apples and oranges. Score is a private, nonprofit organization of retired businessmen. Foster Grandparents is a program to supplement the incomes of the elderly poor. These two are very different from Peace Corps and Vista.

Peace Corps and Vista are very different from each other. They represent "different environments" (Dr. Ferguson), i.e., different motivational, cultural, educational, training and administrative needs. Moreover, almost all applicants view them as completely different and wish to participate in one or the other but not both.

4. Voluntarism per se is not a valid basis for a new government agency.

The only common element of these programs is a vague concept of "voluntarism." Voluntarism is not as important as the missions which volunteers perform. "It merely constitutes one available resource which can be applied to the realization of national goals." (Dr. Ferguson)

Programs should be grouped together according to function. The Ash Council recently recommended four new departments based on major purposes. Voluntarism is neither a function nor a purpose. It is a means. The plan contradicts the President's major reorganization bills.

5. Action would merely add another layer of bureaucracy without saving money or increasing efficiency.

Action would merely add another layer of bureaucracy to existing programs. The Peace Corps would be the biggest loser, going from a prestigious international agency to a subdivision of Action.

None of the Administration witnesses could estimate the savings or show where the efficiencies would occur. In fact, Action will likely cost more and increase inefficiency. The $20 million extra which the President promised for Action would give these programs a combined funding in FY '72 only $4 million above FY '71.

6. Vista belongs in OEO.

Vista can be more effective in OEO, from which it derives great benefits in the form of cross fertilization, program direction and expertise. Vista is the major manpower program of OEO, and 65 percent of its project sponsors are Community Action Programs. Moreover, OEO should not be weakened precisely at a time when we have learned that the number of poor people in America actually increased last year.

7. Action represents a serious misunderstanding of the motivations of volunteers, especially young people.

People volunteer for a specific purpose, as demonstrated by the history of the Peace Corps and Vista. Young people will "never rally around an organization chart." (Shriver) The volunteer agency should be characterized by the absence of bureaucracy and a strong sense of individuality. Peace Corps and Vista embody these characteristics. Although many young people are disenchanted with government and the war, they still identify with these two agencies. Reorganization will eliminate important "symbols" (Ferguson) for youth.

Most volunteers are highly motivated individuals who know in advance what program they want. For those who need assistance, an information service could fill this need. The same service could be used by the returning Peace Corps volunteer.

8. The volunteers themselves are overwhelmingly opposed to the Plan.

The volunteers themselves are overwhelmingly opposed to the reorganization plan. All five associations of active volunteers have indicated their opposition. Without the support of the volunteers, Action can never be successful.

9. The Plan was formulated without consultation with the people who know the programs best.

The Plan was formulated without consultation with any of the volunteers, the youth of America, poor people, the private sector, or the Congress. A secret task force is developing plans for the agency. Such a major proposal should be the subject of free and open debate with the participation of all interested parties in the Nation.

10. The Administration is using questionable legislative tactics by withholding essential information from Congress on future changes in the legislative authority for Action.

The Administration is using "salami tactics" on the Congress. First, there is the reorganization plan. Second, there will be legislation to include Teacher Corps. Third, there will be later legislation to give new authority to Action. This procedure amounts to asking for a blank check for the new agency and is a circumvention of the legislative process.

Mr. WILLIAMS. Mr. President, it should also be noted that the parent organizations, in particular OEO, and the Administration on Aging will suffer some negative effects through the loss of important programs. The Administration on Aging, especially, will be adversely, affected by the transfer of the foster grandparents program, perhaps the most successful of its undertakings. The departure of VISTA from OEO would also reduce the latter to little more than a research and development agency.

The volunteer agencies themselves, rather than becoming "more visible" as the proponents have claimed, are likely to lose the unique and distinctive characteristics which drew volunteers to them in the first place. In addition, as is the tendency in the context of a large organization, an establishment of priorities is inevitable, and the components will be required to compete to some extent for the available resources—financial and human.

For all of these reasons, I urge a "yes" vote on the resolution tomorrow. What is needed, is not another layer of bureaucracy between the President and the volunteer, or the combination of dissimilar organizations under the pretense of increased efficiency. The urgent need today is for increased appropriations for and expansion of existing volunteer programs, the bolstering of proven programs rather than experimentations in bureaucratic theory.

(The following colloquy which occurred earlier is printed at this point in the RECORD by unanimous consent.)

Mr. WILLIAMS. I would like first to yield to the distinguished Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I appreciate the kindness of the distinguished Senator from New Jersey, the chairman of the committee, for yielding me this time.

Mr. President, I rise to announce my support of the resolution offered by the distinguished chairman of the Committee on Labor and Public Welfare to disapprove the President's proposal forcibly to consolidate the Peace Corps, VISTA, and other volunteer programs.

The Peace Corps and VISTA have established themselves as unique and independent entities over the past decade, symbolizing the best that our young people have to offer.

The Peace Corps drew men and women who were stirred by President Kennedy's call to meet the challenges of poverty and development in countless nations of the world. In the Callejon De Huaylas of Peru and the Adamawa Plateau of Cameroun and the islands of Micronesia, these young Americans have answered critics of the past, critics who said only "draft dodgers" and "beatniks" would join. In a thousand ways and a thousand communities, they have kept the faith with President Kennedy who said, some 11 years ago—

> I am convinced that our men and women, dedicated to freedom, are able to . . . join in a worldwide struggle against poverty and disease and ignorance.

The enthusiasm of its early years and perhaps the innocence as well have dissipated. The war in Vietnam unquestionably has been the single most important factor in turning off college graduates. But the attitude of this administration has been part of the problem. Its budget requests to the Congress have dropped lower with each succeeding year. It has planned for fewer and fewer volunteers and it has put fewer and fewer volunteers into the field.

This year, the administration has asked for $71.2 million, a reduction of almost $20 million from last year—a reduction I might add that is almost exactly the amount that the administration so proudly boasts of as being above and beyond existing budgets of the eight agencies to be lumped together in its reorganization plan.

The Peace Corps remains a vivid symbol of a time when the Nation exuded a sense of purpose and, yes, even a sense of idealism. After Vietnam, I hope that the Peace Corps will once more rekindle that sense of service among young Americans. I sincerely doubt whether a volunteer conglomerate will ever match that attraction.

The excitement that was triggered among young people by the opportunity to operate as an agent of change in a foreign nation was matched at home by the challenge afforded by VISTA.

The idea for a "Domestic Peace Corps" was discussed by President Kennedy in 1960 and then again with members of the Cabinet in the next 2 years. In the summer of 1962, the President asked then Attorney General Robert Kennedy to study the possible creation of a domestic volunteer agency.

Within a few months, the preliminary report documented the need for a volunteer corps whose mission was to become allies of the poor in ending the oppressive cycle of permanent poverty.

A Cabinet-level study group was formed in November and concluded that

volunteers would work in the ghettoes, in Appalachia, and in migrant camps, in Indian reservations—wherever the dispossessed of our land were struggling for a better life. In the state of the Union address in 1963, the "Prospect of a domestic Peace Corps" was announced and a month later the President sent to Congress a message on youth.

Hearings were held, but the National Service Corps remained a proposal until 1965 when it was incorporated into the antipoverty program. In the past 5 years, some 22,656 volunteers have served in every State in the Nation. Today, another 4,260 volunteers are in communities, and 414 are in training. VISTA has stood as a way for young Americans to lend their skills and talents and abilities to strengthen the voice of the poor and to contribute something of themselves to their fellow man.

Robert Kennedy said once that—

Whatever their differences with us, whatever the depth of their dissent, it is vital for us as much as for them that our young people feel that change is possible, that they will be heard, that the follies and cruelties of the world will yield, however grudgingly, to the sacrifices they are prepared to make.

We must not take away the sense of possibility from young people in this Nation or we will lose them to prophets of destruction and violence.

The administration's reorganization plan would do away with VISTA as a separate entity. It would divide VISTA into four antiseptic agencies thereby distorting the character of the organization. The administration originally had planned this year to phase out VISTA altogether. OEO officials publicly acknowledged that the administration was contemplating a $200 million cutback in OEO appropriations and the complete elimination of VISTA. At that time, I joined with several other Senators in strongly objecting to such action.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to the President under date of December 30, 1970, from a number of Senators, together with an entitled "New-Agency Plan Drops VISTA Aides," written by Jack Rosenthal and published in the New York Times of May 23, 1971.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, faced with numerous letters from communities where VISTA volunteers are now at work and the objections of countless national organizations, the administration decided against the immediate elimination is the means by which the administration plans to carry out the total abolition of this program.

I can think of no better commentary on this plan than the letter from a VISTA volunteer in Vermont who wrote:

The good of VISTA thus far has been to break the cycle of poverty to "help people help themselves." This involves community organization around issues the local people consider important, be it a food co-op, a tenants union, or a wood workshop. It logically follows that VISTA should be coordinated with community action agencies and other programs having the same priorities.

Under ACTION the emphasis seems to shift from organization to service work. The program areas VISTA's will work in are predefined. This eliminates the possibility that a community organizes around its own needs (and not those spelled out by Washington). Furthermore, the Administration seems to be more concerned about volunteerism than actually eradicating poverty.

By combining VISTA with other volunteer programs, you greatly weaken co-ordination between VISTA and anti-poverty agencies—thus weakening VISTA's anti-poverty focus.

Neither she nor I can find a single justification for the administration decision to abolish VISTA and downgrade Peace Corps.

The so-called reasons for the reorganization plan pale in contrast to the damage being done by the consolidation of the two Government agencies that have given encouragement to the youth of this land to use the system to bring about change.

The President's plan is seriously deficient in meeting the minimum requirements called for by United States Code title 5, chapter 9, section 901, establishing the purposes of an executive reorganization.

First. Instead of reducing expenditures, this proposal calls for $20 million more than the administration has asked for the individual agencies involved.

Second. Instead of grouping agencies according to major purpose, it splits VISTA from OEO, although VISTA's main function is to work to eliminate poverty; and separates RSVP and foster grandparents from the Administration on Aging where they belong.

Third. It combines agencies whose functions are totally dissimilar, VISTA from its mission of working with the poor and RSVP whose focus on the elderly and SCORE which seeks to promote small businesses.

Fourth. Instead of increasing efficiency, this reorganization creates an inherently inefficient structure. Recruiting, training and evaluation of these dissimilar programs will be doubly difficult under a single agency.

But even if these requirements were met by the President's plan, the simple fact of destroying the heritage of the Peace Corps and VISTA would be sufficient for me to urge its disapproval.

In addition, I would call the attention of my colleagues to the fate of the foster grandparents program and the retired senior volunteer program. Both programs are part of the Administration on Aging's efforts to meet the needs of senior citizens who now comprise 20 percent of the Nation's poor. To submerge these programs in the proposed Action agency would be a blow to the hopes of the Nation's elderly that the Federal Government is cognizant of their special needs.

As a member of the Senate Aging Subcommittee and the Special Committee on Aging I have received letters from the project director of Massachusetts and senior citizens organizations opposing the transfer. I understand that some 47 of the 68 foster grandparent projects in the Nation have written to oppose the merger. At a time when we are becoming aware of the necessity to involve all groups of society in decisions affecting their lives, I find it extremely difficult to understand how the administration could undertake this reorganization in the face of almost unanimous opposition from senior citizens throughout the Nation.

When the impact of this plan on the Peace Corps, on VISTA, and on the elderly programs is examined, I believe the alleged justifications put forth by the administration are shallow and inadequate. And I strongly urge the Senate to pass the resolution of disapproval now before us.

Mr. President, I would also like to read at this point in the RECORD a telegram from Frank Manning, president of the Massachusetts Legislative Council for Senior Citizens, one of the most knowledgeable persons on senior citizens programs in the country.

The telegram reads:

The Massachusetts Association of Older Americans, Inc. which has 25 Vista volunteers working with the elderly poor is greatly concerned about the proposed merger of this program and the apparent dismantling of the Administration on Aging.

Our Vista volunteers are finding deplorable conditions among a large segment of our senior citizens and we are getting results for these people. We are afraid that if the program is lost under an incompatible system of interlocking projects that its effectiveness will be destroyed.

We hope that you will do everything possible to prevent this merger.

Regards.

FRANK J. MANNING,
President, Massachusetts Legislative Council for Senior Citizens.

Mr. President, I have received over 100 letters from different VISTA volunteers, letters which express considerable thought and are of great interest. Rather than belaboring the RECORD with the 100-odd letters that I have received in the period of the last couple of weeks, I would like to have 10 of them printed in the RECORD. These are letters which I think are extremely thoughtful and show how the individuals actually working out in the field regard the reorganization scheme and the impact they think it would have. They have given it a good deal of thought. The response from a number of Peace Corps volunteers also has been nearly unanimous in opposition to the plan.

Mr. President, I ask unanimous consent to have printed in the RECORD the 10 letters to which I have referred, as well as a splendid statement by Sargent Shriver concerning the reorganization, which was submitted to the Senator from Connecticut (Mr. RIBICOFF), chairman of the Government Operations Subcommittee. Mr. Shriver's statement is a splendid comment by the original Director of both the Peace Corps and the Office of Economic Opportunity and, there-

fore, he has an interesting vantage point from which to make comment.

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

MADISON, WIS., *March 26, 1971.*
Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Although I am not in your state, I am writing to your office about a common interest, the Peace Corps.

As a former PCV in Wisconsin and currently Peace Corps Representative for Wisconsin, I believe this organization is our best effort in foreign aid and has proven its effectiveness.

In the March 24 issue of the *Chicago Tribune* Section 2, page 14, I quote "Recruiting would be done under the Action Corps name. Volunteers would be known as Action Corpsmen, not Peace Corpsmen, he said." The quote is attributed to Mr. Joseph Batchford, present director of the Peace Corps.

I feel strongly that a change of name for this organization is completely unnecessary. The forty thousand Americans who have given their time and lives to further the goals of international cooperation and understanding stated by your brother in one Peace Corps legislation, are the ones to whom the organization belongs and not to an administration or political appointee.

As I understand the proposal will become effective under executive order within 60 days if no congressional action is taken.

I am asking you to give serious consideration to this proposed change of name since the wealth of good will rapport, publicity and history would be lost on the whim of the current director.

Considering my position within the organization I would appreciate that my name be withheld in contacting the Peace Corps on this matter.

Sincerely,

———— ————.

PRICE UTAH, *April 28, 1971.*
Senator EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am a VISTA volunteer presently serving my second year in Price, Utah. I have been informed by newsletters from OEO and from the National Vista Alliance of President Nixon's proposed reorganization of volunteer agencies into a super agency called "Action." I am amazed that the President of the United States could come up with such a misguided and ridiculous plan. I feel that VISTA should remain with OEO and I am opposed to having VISTA merge with any Senior Citizens service programs or retired businessmen's programs just because they have volunteerism in common.

I don't even like the President's emphasis in "Action," all he's concerned with is serving America's volunteers. That may be fine for the other agencies involved in this merger, but VISTA's emphasis is not the volunteer. I have worked with low-income people for over a year and intend to stay involved in their struggle for some time yet. My experience has taught me that government bureaucracies such as OEO are difficult enough to work effectively with and through. I am finding it increasingly difficult to believe that our government really wants a change for disadvantaged people in our country. I have watched many OEO programs and have been personally involved in them. My conclusion is that they are a fraud because of the middle class people who staff them and because of the political bureaucracy which sponsors them.

I joined Vista because it was an opportunity for me to escape some of the bureaucratic entanglement while doing the work I feel must be done. I am not totally satisfied with Vista, but it has given me this freedom which only a volunteer can enjoy. Due to the political nature of certain interest groups and agencies, I am presently receiving opposition locally and from the state level, and yet I still feel my work is effective I do not want to have to be further hindered by having to deal with a super agency like "Action" which doesn't even care about America's poor. Vista does not belong in "Action."

Please oppose Nixon's reorganizational plan to merge Vista with the Peace Corps, the Teacher Corps, and the service oriented volunteer programs. Please oppose making Vista a totally ineffective government fraud which only gives lip service to the poor. We, the youth of this country, do not have enough outlets as it is to effect change within the system. If "Action" becomes a reality and if Vista is merged, it will amount to another case of our government forcing us to go outside the system to do the work which we know must be done. And I finally believe that change will come for the poor in America one way or the other. Please don't allow Vista to become stifled within "Action," because with the merger the concept of self-realization for the poor will die and be replaced by the degrading concept of service to the poor. This service concept will only perpetuate the poverty cycle, as proven by our welfare system. Please support the National Vista Alliance in the move to block the formation of "Action" and the merger of Vista. I would appreciate hearing from you.

Sincerely,

MICHAEL BISCOTTI.

RICHMOND, IND., *May 2, 1971.*
Senator EDWARD M. KENNEDY,
U.S. Senate Offices,
Washington, D.C.

DEAR SENATOR KENNEDY: My name is John Serafini and I am a native of Salem, Mass. Presently I am serving as a VISTA Volunteer in Richmond, Indiana, attempting to help some AFDC mothers form a local chapter of the National Welfare Rights Organization.

Specifically, I am writing to you because I am deeply disturbed about Nixon's proposal that the various volunteer programs such as VISTA, the Peace Corps, and the Teacher Corps be merged into his so-called "Action Corps." As I understand it, the Senate will hold hearings this week on the merits of Reorganization Plan No. 1 of 1971, as it is officially called.

I would like to stress in the strongest possible terms my opposition, and that of many other past and present VISTA Volunteers, to the plan. Many of us in the VISTA program feel that the merger will weaken, perhaps fatally, the VISTA mission to help the poor. It will certainly hurt the already weak OEO program and is the type of response to the problem of poverty that would be expected from an administration that has never had a genuine commitment to help solve it. Frankly, the whole tone of the "Action Corps" announcement and subsequent explanations convinces me that the "Action Corps" will be about as effective in reducing poverty in the country as would the boy scouts. The plan is typically Nixonian since it seems to promise much, while having built-in guarantees that it will really accomplish nothing.

Accordingly, the other VISTA Volunteers stationed in Richmond and I are working in concert with other VISTA Volunteers across the country to let members of the House and Senate know just how bad the plan is. I have drafted a detailed analysis of why we VISTA Volunteers in Richmond feel the merger is not advisable. I am enclosing a copy of it. I hope you will read it and that we can count on your opposition to Reorganization Plan No. 1 of 1971.

Sincerely yours,

JOHN R. SERAFINI.

LEOMINSTER, MASS., *April 16, 1971.*
Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing in the hope of engendering your support to vote *against* the President's Reorganization Plan No. 1 of 1971 which would merge the government's volunteer programs such as VISTA, Peace Corps, Foster Grandparents, Green Thumbs, Teacher Corps, etc. into one giant volunteer agency designated as Action. I am presently serving as a Vista Volunteer in Leominster, Mass. working in housing under the Montachusett Opportunity Council.

I believe that the merger of all of these agencies into Action would be a mistake. Practically the only factor they have in common is voluntarism and at the same time they have many varied goals and directions. None of these groups have voluntarism per se as their basic goal or function. For instance if VISTA is separated from OEO and VISTA's basic goal is to eliminate poverty (as is OEO's) then VISTA will be separated from a department which desires a similar goal. The Ash Commission Report emphasizes the importance of grouping agencies and programs according to their functions. Since voluntarism is not an end but only a means to an end (whatever that may be) forming Action would separate VISTA, Green Thumbs, Foster Grandparents, Teacher Corps, Peace Corps, etc., from the offices and departments they can operate most effectively in. The President also stated he will request $20 million additional funds besides what has already been allocated to the individual components of the Action Agency to allow for additional administrative costs. This money could probably be better utilized in some other fashion, e.g. distributed to the already existing volunteer programs.

As a Vista volunteer I am deeply concerned with the proposed merger and consider it detrimental to the function of VISTA and also my effectiveness as a Vista volunteer. I urge you to vote against the President's Reorganization Plan No. 1 of 1971. (Senate Hearings will probably be held on April 27 under the Subcommittee on Executive Reorganization). Thank you.

Sincerely,

LINDA KIERSTEAD.

CHAMPLAIN VALLEY OFFICE OF ECONOMIC OPPORTUNITY, INC.,
Burlington, Vt., April 28, 1971.
Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SIR: As a VISTA Volunteer, I am very concerned about the proposed merger plan to create ACTION.

The good of VISTA thus far has been to break the cycle of poverty to "help people help themselves!" This involves community organization around issues the local people consider important, be it a food co-op, a tenants union, or a wood workshop. It logically follows that VISTA should be coordinated with community action agencies and other programs having the same priorities.

Under ACTION the emphasis seems to shift from organization to service work. The program areas VISTA's will work in are predefined. This eliminates the possibility that a community organizes around its *own* needs (and not those spelled out by Washington). Furthermore, the administration seems to be

more concerned about volunteerism than actually eradicating poverty.

By combining VISTA with other volunteer programs, you greatly weaken coordination between VISTA and anti-poverty agencies—thus weakening VISTA's anti-poverty focus.

In view of the above I urge you to vote against the merger. Thank you.

Sincerely,

FLORIANNE KOECHLIN.

PRESCOTT, ARIZ., *April 13, 1971.*

Sen. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR MR. KENNEDY: My wife and I are Vista Volunteers in Prescott, Arizona. Our permanent home is in California. We are writing you to express our deep concern over the present Administration's plan for reorganization of volunteer programs within the federal government. As you, hopefully, are aware the President plans to consolidate the Peace Corps, Teacher Corps, Vista plus other miscellaneous volunteer programs in various different federal agencies. If the plan is not acted upon negatively by Congress within 60 days (as of March 24) it goes into effect automatically. In other words, if Congress fails to bring the issue up, it will be enacted simply by Congressional inaction or apathy. This possibility disturbs us greatly because some very important issues are involved that ought to be debated and voted upon.

The Administration's expressed goals for this reorganization are six: 1) to expand testing and development of innovations in volunteerism; 2) to allow part-time and full-time volunteers to work together; 3) to bring together programs that appeal to the young and older Americans both; 4) to allow intercooperation between foreign and domestic volunteer services; 5) to better distribute professional skills; 6) and to centralize for more effective recruitment, training, placement, communication, and management.

Let me relay our concerns for each of these goals and then to the total concept itself.

The first goal is one of innovation, which in itself a viable goal; but, we question the assumption that centralization facilitates innovation. Centralized organizations from past experience seems to tend toward the opposite of innovation, stagnation. It may be said though that centralization aids intercommunication and new ideas. But that seems to call for a clearing house type of organization, not an umbrella type that the President is asking Action to be.

The second goal is the use of part-time and full-time volunteers, again an admirable end. But is centralization necessary to achieve it? Each existing organization could recruit and coordinate part-time help if funded to do so.

Third rationale used is to be a generation gap bridger. It has been my personal experience that the existing volunteer programs are not segregated by age. As a Vista volunteer I've worked with Vistas of all ages in training and on projects. The Peace Corps itself is emphasizing experience and is mixing more and more diverse ages. Once again I feel I've failed to see the need of centralization to achieve, in this case, something that already is in existence.

The fourth is that of sharing foreign and domestic experiences. Presently, the organizations of Vista and Peace Corps are intertwined in the sense that each is infiltrated by representatives of the other. Most of our training staff were ex-Peace Corps or Vista Volunteers. Our present Program Officer was himself a Peace Corps volunteer. The intercommunication therefore exists to some extent. If it is needed to be increased, why not strengthen present relationships?

The last two goals come together in the theme better, more effective recruitment, training, and placement of volunteers. Interesting enough, Mr. Blatchford the proposed Action director, himself, in a Press interview stressed that, "This is not something which is motivated by means of strictly efficiency and better organization," but, "the emphasis is really on putting more money behind more volunteers,"—expansion. The discrepancies apparent in these statements astound us. As a case in point, Vista presently is decentralized into eleven regions that train and place its own volunteers. Still the bureaucratic hang-ups are sometimes overwhelming. The result is at times volunteer failure, mainly because the support from above is sporadic and unreliable. Vista has realized this and as a result is cutting many programs that don't effect full community support. It is not expanding, but reverting to a stress on quality. Therefore, from experiences further centralization, not regional, not national, but inter-national in its scale seems an absurdity. By simply magnifying our present bureaucratic structure many times over, the possibility of anything being accomplished on a grassroots level is nil.

In looking at the plan in total our fears increase. Having examined its six stated goals, and feeling them to be problems that don't seem to match the chosen solution, we were afraid that the plan had other unstated intentions. The possibilities included: a desire by the Administration to bring volunteerism (youth) under closer control and scrutiny; or a wish by the Administration to decrease-dilute the specific thrusts of the present existing programs (i.e. Vista-poverty). It also disturbs us that the control of the funding of these different thrusts would be moved from Congressional to Executive digression. This would result from the fact that funding of Action would be a package deal. Interagency distribution would be done by Executive selected directors. Volunteer priorities would be decided by a small group in the Executive Branch.

We feel that Vista itself has adjusted to past failures and inadequacies, which were the result of the initial passion without planning of the War on Poverty. It is just now reaching a point where bureaucratic gaps are decreasing, and projects are becoming clearly planned and supported. If the reorganization occurs the result would be chaos, a set back and loss of past lessons learned. In addition, Action would stress the volunteer aspect of Vista, and disregard its poverty purpose by removing it from OEO and its poverty coordination. We feel this would be a tragic move.

Please then consider the implications of this plan that is in the process of being slipped by Congress and the American public. Hopefully, you will bring it to the attention of the Senate for discussion and investigation.

Peace,

JOHN and CINDI ADSIT.

BREVARD, N.C., *April 29, 1971.*

Hon. EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: As a Vista Volunteer from Massachusetts in a rural community (Brevard, N.C.), I want to express my opposition to the proposed United Action Corps merger—primarily as the proposed program would be a structured one, and could not effectively be a response to the needs of the poor—as they see the needs. And to expect immediate results (capable of being tabulated) is unrealistic. The abolishment of community workers would hit those we're supposedly trying to help. It's my opinion that the insertion into a rural community of an "outsider" willing to help can add much growth, tho unmeasured, to both the Vista and the community.

Please use your influence with the committees to stop the merger. Thanks.

Sincerely,

LUCILLE GOGUEN.

ROLLSTONE CONGEGATIONAL CHURCH,
UNITED CHURCH OF CHRIST,
Fitchburg, Mass., April 21, 1971.

Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR, as the immediate past president of the Montachusett Opportunity Council, our area poverty commission. I would like to object to President Nixon's Reorganization Plan (no. 1) of volunteer programs. Our VISTAs have been very effective to date, and I am worried about the merging of different functions and groups into an amorphous, ineffective agency. O.E.O. has been a good sponsoring agency for the enthusiastic work of these young people in our area. Each have served the other well, in order to jet the job done—the empowering of powerless people.

I would be delighted to see you co-sponsor a Resolution of Disapproval, but if not, I would urge that you express your concern against this typical Nixonian move.

Faithfully,

Rev. DONALD E. OVERLOCK.

ROXBURY, MASS., *April 29, 1971.*

Hon. EDWARD M. KENNEDY,
U.S. Senate, Old Senate Building, Washington, D.C.

DEAR SIR: As full-time VISTA volunteers, we unequivocally urge you to support the resolution disapproving the merger between Peace Corps and VISTA. Being on the inside, we feel that this merger will emasculate any effort being made to bring poor people into the main stream of society. Not only will this proposed merger focus attention away from domestic poverty, but it will also effectively mute and, in some cases, silence the voice of poverty stricken people who might have had a chance to use their own resources and skilled to solve their own problems.

The proposed reorganizational plan seems to be nothing more than a polite way of shoving domestic poverty under the rug, a move that smacks of hypocrisy and widens the gap between promises and reality. If VISTA is to remain an effective agency, if, indeed, it is to remain an agency at all, we urge you to vote against the proposed merger.

Yours sincerely,

LORAIN TAYLOR,
LEORA TYRANCE,
BOB PROVICH,
FRED S. WASHINGTON, Jr.,
S. SOLOVAY,
Vista Volunteers.

WASHITA VALLEY,
COMMUNITY ACTION COUNCIL,
Chickasha, Okla., April 19, 1971.

Senator EDWARD KENNEDY,
U.S. Senate Offices,
Washington, D.C.

DEAR SENATOR KENNEDY: As V.I.S.T.A. volunteers sponsored by the Washita Valley Community Action Council, we are asking for your support in defeating the proposed merger of V.I.S.T.A., Peace Corps, and Teachers Corps into a single volunteer agency. As part of the V.I.S.T.A. program we can best serve the poor by functioning as an independent organization. For the following reasons we oppose the proposed merger:

1. The emphasis of the new agency will ignore the real needs of the poor.

2. The new funding procedures will finan-

cially strangle V.I.S.T.A. and the functions V.I.S.T.A. performs.

3. The V.I.S.T.A. program will be the most effective and efficient if it remains in the same agency as other anti-poverty programs.

4. The emphasis of the program will be on service projects rather than community organization.

5. The new program will eliminate the resources of community volunteers in its recruitment of "skilled" volunteers.

6. The new agency will predefine the area volunteers will work in without regard to the needs of individual communities.

We hope you will support us in attempting to make the V.I.S.T.A. program as effective as possible in its attempts to aid in the elimination of poverty in the United States.

Sincerely,

Ruth J. Kiely, Mary K. Zitzmann, John H. Reid, Michael McLean, Barbara McLean, Barbara Brown, Cheryl Burris, Janet Bush, Jo Bugge.

STATEMENT OF SARGENT SHRIVER, CONCERNING REORGANIZATION PLAN NUMBER ONE OF 1971, SUBMITTED TO HON. ABRAHAM RIBICOFF, CHAIRMAN, SENATE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION

No one has failed to volunteer for the Peace Corps, Vista, Foster Grandparents, the Teacher Corps, or any other governmental program because of bad government organization. Not one additional person will volunteer in the future because of government bureaucratic reorganization. Probably nothing is of less interest to potential volunteers than the bureaucratic arrangements made by public administration experts in Washington. Volunteers will never rally around an organization chart.

The basic fault, therefore, with the total Nixon Administration program so far as volunteers is concerned, lies in the fact that the leadership of the Administration concentrates on the appearance of change, rather than the substance.

Americans who volunteer do so because they are interested in helping to solve a problem. Nearly always that problem is a human problem, because volunteers are people who want to work with and for other people. Thus, the Peace Corps came into existence because the compassion of millions of Americans was aroused by deprivation and poverty in the developing world, and their enthusiasm and idealism were stimulated by the energy and hopes of newly independent peoples.

Originally, they responded to a call for help issued by President Kennedy, even though he never uttered a word about the governmental structure, not even the name of the organization of which the volunteers would become the most essential part.

Originally, also, many adult Americans thought no one would volunteer for the Peace Corps except "beatniks," "Vassar girls in Bermuda shorts," and "draft dodgers." Those are quotations from the critics of 1961, among whom one of the most formidable then is President of the United States now. Similarly, when Vista was started the "experts" said that no one would volunteer for Vista, because the Peace Corps would have greater appeal, with its opportunities for foreign travel. People who think like that don't understand the spirit which moves Americans to volunteer.

Americans volunteer for Vista because they are interested in the problem which Vista was created to help solve: in wretched schools in rural America; hunger; isolation on Indian reservations; hatred and alienation in the ghettos; sickness in the cities within eyeshot of the greatest medical research centers in the world. In short, to combat injustice in American society. Americans volunteered for the Peace Corps to throw themselves into the attack against the same kinds of problems around the world.

Millions of teenagers "marched for development" on Sunday, May 9—Mother's Day—because they wanted to "vote with their feet." They wanted to put their bodies and their spirits where other people put their mouths. It should surprise no one who understands the spirit of American volunteers to learn that these teenage volunteers raised a sum of money in one day equal to 18 percent of the annual budget of Vista.

These volunteers were proving a truism we learned in the Peace Corps:—

People will do for nothing what they will never do for money.

Because of considerations like these which the "hardnosed experts" will consider irrelevant, the proposed reorganization of the existing volunteer agencies of the U.S. Government will:

1. Stimulate exactly no one to volunteer for these agencies.

2. Will probably discourage a significant number of people from volunteering.

3. Will add to the cost of the existing organizations.

4. Will extinguish the few remaining sparks of enthusiasm for government volunteer programs in our country.

Instead of bureaucratic reorganizations created to satisfy paperwork specialists, America needs substantive revitalization of the volunteer spirit in this country.

How can this be done?

First of all, leadership in the White House and leadership from the Congress. Such leadership could be produced in a number of ways:—

First of all, the Congress could make it the law of the land that an American citizen can gain credit for being a "good guy," just as he now incurs blame for being a "bad guy." Today, by law, the Attorney General of the United States is required to issue a list of all the organizations in the United States wherein membership is held against the American so unwise or imprudent or naive as to have joined. The Attorney General issues this list of proscribed organizations. Why shouldn't the Secretary of HEW be ordered to create a list of "good" organizations, where service would be credited to an American who volunteers and works, whether for a private organization or for public enterprises like Vista or Peace Corps? One simple guideline for the Secretary of HEW would be the Internal Revenue Service's list of Section 501(c)(3) organizations which have been already deemed to be in the public interest and granted exemptions from taxes. If this is too simple a solution, certainly the Congress is capable of finding a creative solution to the preparation of such a list.

If service in these private and public philanthropic enterprises were determined by the Congress to be not only in the national interest, but a substitute for military service, the United States would be presented with a deluge of hundreds of thousands of volunteers. Such an increase in the numbers of citizens who volunteer would enhance the possibility of creating an all-volunteer Army. It is certainly clear that just as thousands will volunteer for humanitarian work when the cause is just, no one will volunteer for an Army whose cause is unjust.

A second way in which the volunteer spirit could be revitalized would be for Congress to require all agencies of the Government to recruit and use full-time volunteers as "consumer representatives."

Why would this be beneficial?

1. Volunteers working as "consumer representatives" would make Government agencies more accessible and responsive to the complaints and needs of those whom they are supposed to serve.

2. "Consumer representatives" would be a source of independent thinking and new ideas coming from "employees" unafraid of being fired.

3. To those who fear that such a core of "consumer representatives" within each agency of government would create administrative confusion, I would suggest they consider why Chrysler Corp., Ford Motor Co., and other giant corporations have recently created vice presidents and whole divisions in Detroit solely to respond to customer complains nationwide.

4. This proposal, moreover, would open dozens of new ways and places where Americans could serve their country and their fellow countrymen in specific areas of work most interesting to them—business school students and graduates working as volunteers in the Commerce Department or Treasury; future farmers with Agriculture; young architects and engineers in G.S.A. in a position to speak out on behalf of the public interest when government building plans affect the environment; etc.

A third way in which the spirit of volunteer-ism (of doing, not just talking) could be rejuvenated, would be for Congress to grant income tax deductions for personal contributions of time, not just money—in other words, a doer's deduction.

How could this be done? Simply by creating a new procedure similar to the existing W–2 employee withholding tax form. Every volunteer would be credited at the minimum wage for hours of service given to a recognized charitable institution: I.R.S. experts believe this could be accomplished with administrative ease. Fiscal experts suggest the costs could be controlled simply by limiting the maximum number of hours a person could deduct and volunteer supervisors claim it would mean added stability and increased effectiveness for their programs, by giving them a combination carrot-and-stick. Of course, this would reduce tax revenues, just as the accelerated depreciation allowance to business reduces tax payments. But, in a democracy, as distinguished from an oligarchy, shouldn't the gift of one's self be at least equal to the gift of one's money?

These ideas are in keeping with the spirit of private voluntary initiative. They do not exhaust the range of possibilities. But, hopefully, they indicate that Congress should reject a mere administrative face-lifting given to established and successful programs and organizations, and concentrate instead on substantive changes likely to stimulate volunteers for all organizations—private as well as public.

It almost need not be said, but objectivity and candor require me to emphasize that the most essential changes to stimulate volunteers would be:

1. To stop the war.

2. To stop the moral scandal created by our country's miserly contributions to the world's poor people, which this year have sunk to the lowest point in 25 years. If the stock market had suffered an equal decline, the White House would declare a national emergency.

3. To stop the creation of more poor people within our own country, a recent tragic development reported by the Census Bureau. No increase in volunteers can possibly offset economic policies which cause unemployment and inflation, simultaneously.

4. To stop the war against our own youth, if for no better reason than the fact that they are the greatest source of potential volunteers.

Finally, let us never forget that the genuine experts on how volunteer programs

should be run are volunteers and ex-volunteers, not bureaucrats. From your own hearings, it is clear that the vast majority of volunteers are strongly opposed to Reorganization Plan Number One of 1971. Typically, few, if any of them, were consulted in the creation of this plan. Few of them support the proposal as submitted to Congress. I have read the testimony of the Hon. Glenn Ferguson, first Director of VISTA and former Ambassador to Kenya, and the testimony of Mr. Thomas Scanlon, one of the first and best-known of the Peace Corps Volunteers. I am happy to associate myself with their views.

Congress should reject this plan and take the time to create a far more comprehensive plan to stimulate volunteer-ism in America.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., December 30, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to express our very serious concern about the proposal by the Office of Management and Budget to the Office of Economic Opportunity that no funds be included in your fiscal 1972 budget for operation of the VISTA program. Although we recognize fully that your budget has not yet been finally determined and that alterations are always in order until the conclusion of the budget process, it is extremely disturbing to us that elimination of the VISTA program should even be given serious consideration, especially at so late a state in the budget process.

At a time when many of us are telling the nation's young people that our democratic system can accommodate a great diversity of viewpoints and that meaningful opportunities exist to make alterations within the system, we believe that closing the door on those who wish to serve in VISTA would be an unwise and unwarranted action.

A decision to curtail the VISTA program now would seem inconsistent with the momentous decision of the legislative, executive and judicial branches to bring the right to vote to eighteen year olds as well as with your statement in 1968: "Our future leadership must provide our young people with a cause to be for; a dedication to social responsibility on a person-to-person basis . . ."

We also are troubled at the uncertainties created for the 4600 current VISTA volunteers, the 400 presently in training and 1200 who expect to enter training in January by the disclosure of the Office of Management and Budget proposal. We are sure you will agree that it makes little sense for radio announcements to urge individuals to serve through VISTA when at the same time the news media carry stories of the planned demise of the program.

Similar anxieties are also aroused among the nation's 25 million poor, many of whom have come to regard the Office of Economic Opportunity as the one concrete example of governmental concern about their lives and welfare.

It is for these reasons that we would strongly oppose any effort to dismantle the VISTA program or severely restrict the operation of community action, research and development, health and nutrition, and rural loan programs, presently carried out under the Economic Opportunity Act.

In view of your support of the poverty program when you recommended its extension for two years in 1969 and your expressed commitment to the young people of this country, we believe that a reconsideration of the Office of Management and Budget's proposals is in order.

Sincerely,

ALAN CRANSTON,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
HAROLD HUGHES,
FRANK CHURCH,
JACK JAVITS,
EDWARD BROOKE,
CLIFFORD P. CASE,
CHARLES PERCY,

NEW-AGENCY PLAN DROPS VISTA AIDES

(By Jack Rosenthal)

WASHINGTON, May 22.—An internal staffing report indicates that only Peace Corps officials or outsiders—and no present officials of VISTA or other programs—are being considered for the principal jobs in Action, the Administration's proposed consolidation of voluntary action agencies.

The report, a copy of which was made available today by opponents of the consolidation, was sent on May 13 to Joseph H. Blatchford, the Peace Corps director, who has been designated to head Action.

Of the 37 names proposed for various positions—including those proposed to head Action's VISTA division—10 are present or former Peace Corps officials, 14 are bankers or businessmen, and none are from VISTA.

The leak of the report has quickened the anxiety of supporters of VISTA—Volunteers in Service to America—who have already expressed fears that the role of their domestic antipoverty program would be sharply reduced by the merger.

A VISTA partisan, who insisted on anonymity, said the report confirmed that "this is not a merger, it's an army of occupation taking over."

Jack Porter, a spokesman for Mr. Blatchford, acknowledged the authenticity of the report, but he added: "It is nothing more than a preliminary compilation made by a lower-level staff person. No one should draw any fearful implications from it."

VISTA and the other voluntary agencies to be included in Action have been asked to submit their nominees, both from inside and outside the Government. They have not yet responded, Mr. Porter said. When they do, "we would expect to add their names," he said. "Until then," he added, "this is not an official Action list."

VISTA is now a $33-million division of the Office of Economic Opportunity. It has about 4,500 volunteers who live among the poor, working in social services.

The report to Mr. Blatchford was circulated as both houses of Congress neared decisive action on President Nixon's proposal to consolidate it and the other Federal voluntary service agencies.

The House is expected to vote Tuesday on whether to permit the reorganization plan to take effect. The Senate Government Operations Committee is also expected to vote on the plan Tuesday, with a vote of the full Senate to follow within days.

The reorganization will go into effect automatically unless either house disapproves before June 5.

While the House is expected to accept the Administration plan, Congressional aides now foresee possible difficulties in the Senate.

As one reason, they cite the recent strong expression of opposition by Sargent Shriver, who was the first director of both the Peace Corps and the O.E.O. in the Johnson Administration.

ASSURANCES IN CONGRESS

Mr. Blatchford appeared to have quieted Congressional anxieties on behalf of VISTA in testimony early this month. At committee hearings, he assured members of Congress that VISTA would retain its separate identity, mission and name.

At the last hearing, before a Senate subcommittee on May 6, he was praised by both Democrats and Republicans for his statements.

Thus, the internal staffing paper is especially troubling because it was prepared a week after this testimony, according to Stephen Regenstreif, staff director of the National VISTA Alliance, which represents a large number of volunteers and which strongly opposes the merger.

A further cause for concern, he said, was the detailed nature of many of the entries in the report. Ten of the persons named either had been interviewed or designated for interview by Mr. Blatchford or his chief aides.

William Inglis, now the Peace Corps recruiting director, was proposed by the report to be the deputy director of Action. The proposed associate director for the Peace Corps division of Action is Kevin O'Donnell, now Mr. Blatchford's deputy.

Three persons were proposed to head the VISTA division. Two are from outside the Government, and the other is Christopher Mould, director of the Federal Office of Voluntary Action, which is to be merged into Action.

Concern over the future of VISTA have arisen twice in recent months. Last December, the Administration considered—but then rejected—a proposal to eliminate all funds for the agency. In March, the Office of Management and Budget circulated a confidential voluntary agency merger plan that would have dismantled VISTA.

This, too, was rejected in the final plan, which was sent to Congress March 24. Last week, George P. Shultz, director of the Office of Management and Budget promised Senator Jacob K. Javits, Republican of New York, that the Administration would upgrade the status of Action's VISTA head and would take into account the views of the poor and of the volunteers.

Mr. WILLIAMS. Mr. President, the Senator from Connecticut (Mr. RIBICOFF), a member of the President's Cabinet during the period we sought support for voluntary efforts in meeting the needs of human beings is in the Chamber and I yield to him so much time as he may desire.

Mr. RIBICOFF. I thank the Senator for yielding.

Mr. President, there is a widespread feeling in Congress that Reorganization Plan No. 1 is not important—that it involves no more than shuffling the boxes on the organization chart. After all, what difference does it make whether Vista is part of OEO or the proposed Action agency? Nor is the independence of the Peace Corps an issue likely to generate much controversy.

In truth, this is not one of the great issues to come before the Senate. Most of us will soon forget the results of the vote.

But the outcome is vitally important to thousands of volunteers in this country and abroad. For they have a great stake in the result—the effectiveness of the programs to which they have committed their efforts.

One of these volunteers is Tom Newbury, a 23-year-old VISTA in Dallas, Tex., working in a project called Block Partnership. The organization seeks to

bring together blacks and whites to solve the problems of the ghetto. Through their efforts, housing conditions have improved, a rundown park restored, and an auto mechanics shop established to provide job opportunities.

He says:

The focus of VISTA is on human growth through awareness of community needs. I fear that in Action this thrust will be lost and we will become just another service agency.

Another concerned volunteer is Pat O'Rourke, the 65-year-old secretary of the SCORE chapter in Washington. He has gone from office to office urging a vote against the plan.

He warns:

If SCORE goes into Action, our identity will be done. It will separate us from our small business outlook and our efforts to help small businessmen will be frustrated.

Mr. President, there is deep opposition to this plan from every segment of the volunteers—young and old, rich and poor, black and white. Significantly, the subcommittee has not received a single communication from a volunteer supporting the plan. Every volunteer organization is on record against it.

The heart of any volunteer program is, of course, the volunteers. Without their enthusiastic support, the program is bound to fail.

One reason for the volunteers' opposition is the obvious failure of the administration to understand and take into account volunteer motivation. The administration has attempted to sell the plan to Congress with the rhetoric of efficiency and economy. But, as Sargent Shriver, former Director of Peace Corps and OEO, told the commiteee, "volunteers will never rally round an organization chart." In his view the reorganization will have three primary effects:

1. Stimulate exactly no one to volunteer for these agencies.
2. Probably discourage a significant number of people from volunteering.
3. Extinguish the few remaining sparks of enthusiasm for government volunteer programs in our country.

Volunteer programs need a special appeal. They must inspire the volunteer to identify with the program by offering him individuality, an opportunity for innovation and a spirit of adventure. All of these are sadly lacking in the concept of Action. It promises to become no more than another box on the organization chart. Rather than turning students on to volunteering, Action will turn them off.

Our vote tomorrow will have great meaning, not only for the volunteers, but also for the millions they are trying to help. Among them are the poor, black residents of Heywood City, Mo. For 8 years they sought to have their dirt streets graded and paved with gravel. Now, through the efforts of a VISTA volunteer the first such street has been constructed.

The VISTA program also means a lot to Ron Jarboe, a 20-year-old prison inmate in Memphis, Tenn. When his mother died earlier this year in Kansas, a VISTA volunteer, serving in the prison as a counselor and tutor, persuaded the prison authorities to let him drive the prisoner to the funeral without guards. They returned 3 days later.

These are but a few volunteer success stories. They do not make headlines, but they show that a well run volunteer program can make a difference in the lives of individual people.

This effective work is threatened by Reorganization Plan No. 1. VISTA, SCORE, and Foster Grandparents are an integral part of the agencies where they are located. Their structure and operation are geared to the overall purpose of these agencies. Transferring and combining them in a new agency, with a different organization is bound to harm their work. It will sever the close cooperative relationships which have developed and reduce the mutual benefits derived from similar objectives. For example, VISTA is the largest manpower component of OEO. Sixty-five percent of its sponsors are community action programs. Each now learns from the experience of the other. This will be less likely if VISTA is cut off from OEO. The same results can be expected if SCORE, ACE, and other programs are transferred.

Moreover, commonsense tells us that the thrust of programs such as Peace Corps will be diluted in Action, As only one program among many, it will not have the complete attention of leaders dedicated to its success. It will receive only a portion of the time and attention of the Director and his staff, who must manage several different programs, each with its own problems of policy and coordination. Inevitably, Peace Corps will suffer, its bold concepts blunted by the loss of independence.

Under the plan it would be transformed from a prestigious international agency into a subdivision of a primarily domestic-oriented unit. Today the Director of the Peace Corps is under the guidance of the Secretary of State and sometimes reports directly to the President. In Action he would be downgraded to the rank of a subdivision chief, reporting to an Associate Director for International Operations and then to the Director of Action, while continuing under the guidance of the Secretary of State.

During the past decade the Peace Corps has achieved extraordinary popularity among the people of the United States and the developing nations. Much of its success can be traced to its tough-mindedness and fierce independence. In the words of former Peace Corps volunteer, Thomas Scanlon:

The Peace Corps did the impossible because it had no "boss" or "supervisor" agency to say they were impossible in the first place.

The Peace Corps has resisted successfully all previous attempts to subordinate it to higher bureaucratic authority. At the same time it has demonstrated the wisdom of independence as a way of realizing its unique idea of service to mankind. This reorganization plan offers no compelling reason to tamper with all that the Peace Corps has built—an organization, an idea of service, and a spirit of hope for people everywhere.

Beyond these practical considerations, the reorganization has a symbolic value which should not be overlooked. For organization determines not only what we do and how well we do it, organization is a measure of our national priorities. To the volunteers and the people they are trying to help, this reorganization will submerge these programs deep in the bureaucracy. To them, it is a downgrading. Their problems will be less visible and receive less attention from our national leaders. The reorganization will blur the distinctive features of the programs and make them less attractive to the volunteers. As a result, the public will lose interest and confidence in the volunteers' work.

This is not the way to strengthen volunteer programs. In fact, it will have precisely the opposite effect. I do not believe it is in the national interest to sacrifice the effectiveness of these programs, the high level of volunteer support and public esteem they now enjoy for a possible marginal gain in efficiency. The volunteers and the poor deserve better than a hastily assembled jumble of volunteer programs, thrown together for convenience.

It is fundamental that every unit of Government should have a clearly defined purpose. Action lacks this vital ingredient. It is a collection of superficially similar programs linked in reality only by a vague concept of voluntarism.

The Peace Corps and VISTA have different motivational, cultural, training, and administrative backgrounds. The essence of VISTA is the culture of poverty in America. The essence of the Peace Corps is living and working with people in the developing nations abroad. SCORE is a private, nonprofit organization of retired businessmen formed to provide advice to ghetto businessmen, while Foster Grandparents is a Government program designed primarily to supplement the income of the elderly poor. These are four essentially different programs.

The first principle of organization stated by the President's Council on Executive Organization—the Ash Council—was that "the departments and their major subunits should be organized around comparable organizing principles." Action plainly fails to meet this test.

The administration has failed to provide a convincing rationale for the Action agency. Accordingly, the plan should be disapproved.

On close examination, the agency is revealed to be a mix of various volunteer programs without an overall organizing principle. It is obviously aimed at appealing to the idealism and volunteer spirit of American youth, but it is poorly structured to achieve this and falls far short of its goal. Most importantly, combining these programs in Action will damage their effectiveness.

I urge the Senate to vote yes on Senator WILLIAMS' resolution of disapproval.

Mr. PERCY. Mr. President, I yield myself such time as I may require for the simple purpose of answering both the Senator from Connecticut and the Senator from Massachusetts.

I read with considerable concern, as the Senator from Connecticut knows, the letters we all received from VISTA members. We all received a number of letters. I guess I received about 100. But I carefully analyzed them and had staff members look at them also.

First, we should take into account that almost all of them were written before we even had hearings, and that is a very important and germane fact. In other words, if there are going to be open hearings, they should not be held with closed minds. If many of those volunteers had been able to sit in hearings, and some of them did, they would have changed their minds. I felt those who did attend changed their attitudes later when I talked to them. Many of them were convinced their fears would not be realized.

Second, I noticed a common factor in many of the letters. Most did not understand the plan. They had not read it, but had been told something about it by someone. For instance, some of them were told that the name of VISTA was going to be changed. They said, "That is a terrible thing," considering the level of goodwill that had been built up. The same was true with respect to the Peace Corps.

There is no intention to change those names and the volunteers who wrote in were under a misapprehension that the names were going to be changed.

We should not scuttle these programs. Those who wrote in were under the impression that these programs were going to be scuttled. Witnesses appeared before us and later administration officials appeared before us and certified that the names of the organizations were not being changed, but were being preserved, and the programs were not being scuttled but strengthened, and that the funds were not being cut back.

Later, the administration asked for more funds. I am certain the individuals who wrote the letters were well intentioned. There is no doubt that their sincerity would have been fully and completely answered if they had chosen to participate in those hearings and hear the testimony of officials of the administration which is now spread on the records and which the majority report of the Government Operations Committee has printed in part simply to put on the record. This was to have it clearly understood by every Member of the Senate that the fears expressed have no basis in actual fact, as testified to by the administration.

Mr. WILLIAMS. Mr. President, the senior Senator from Alabama (Mr. SPARKMAN) has been the legislative pioneer of so much of the needs of small businessmen. Two of the programs to be merged or submerged in the proposed Action agency are now small business programs. I yield such time as he needs to the senior Senator from Alabama.

Mr. SPARKMAN. Mr. President, I thank the Senator, the sponsor of the resolution that is now under consideration.

First let me say that the distinguished senior Senator from Nevada (Mr. BIBLE), the chairman of the Senate Small Business Committee, had hoped to be present this afternoon to participate in this debate, but he has been detained in his home State. Therefore, he has requested me to express to the Senate his support of Senate Resolution 108 and his opposition to the President's Reorganization Plan No. 1, because he believes it will seriously jeopardize what is probably the Federal Government's oldest and most successful volunteer program helping more than 100,000 small businessmen nationwide every year.

I ask unanimous consent that a statement he had prepared for this debate expressing that opposition be inserted into the RECORD at this time, together with his explanatory remarks before the Executive Reorganization Subcommittee on May 7.

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

SMALL BUSINESS MUST OPPOSE REORGANIZATION PLAN NO. 1

(By Senator ALAN BIBLE)

Mr. President, as Chairman of the Select Committee on Small Business, it is my responsibility to oppose Reorganization Plan No. 1 because I believe this proposal would severely jeopardize one of the Federal government's oldest and most successful volunteer programs today helping thousands of small businessmen around this country.

Our opposition is based upon the Plan's inclusion of two programs sponsored by the Small Business Administration, SCORE (i.e., the Service Corps of Retired Executives) and ACE (i.e., the Active Corps of Executives) with which I am familiar. I leave it to others to discuss other aspects of the Plan:

First, in my opinion, inclusion of SCORE and ACE within this Reorganization Plan would weaken both of these management-assistance programs;

Second, the Plan would weaken the SBA; and

Third, the effect of the Plan would thus be to weaken the small business community.

For these reasons I believe it would be not only unsound but harmful to small businessmen in large cities and small communities across the country if Reorganization Plan No. 1 was to be adopted in its present form. To enable the Senate to evaluate this question on its merits, I would like to summarize the evidence on these points as I see it.

WOULD WEAKEN SBA VOLUNTEER PROGRAMS

On the question of effectiveness—since March, my office and the Small Business Committee have received many letters from SCORE and ACE volunteers and chapters. None favored the reorganization. All oppose it. Let me read briefly from an April 26 letter from New Jersey:

"Please leave SCORE as it is. We work well with SBA. . . . After five years working with SCORE, and no help, no funds, no expenses from Uncle Sam or my clients, (we now have) 165 money-making clients (Oh yes, two failures in five years), saving hundreds of thousands of mine and other taxpayers' dollars, I again ask that we be 'left alone' . . . . If not, count me out of SCORE . . . government red tape and rigamarole disgust me . . . and I can help elsewhere."

This is not an isolated sentiment. It is shared with apparent unanimity by the 3,996 SCORE volunteers and 2,020 ACE executives throughout the country, as illustrated by a resolution by the SCORE National Planning Committee unanimously opposing the transfer proposed by this Plan.

The Resolution was presented by Walter H. Channing, Chairman of this Planning Committee to the House Government Operations Committee on April 29, 1971, as a part of testimony opposing the adoption of the Reorganization Plan on seven specific grounds:

1. There has been no consultation with SCORE as to its feasibility;

2. Serving two masters—SBA and the new "ACTION" agency—"violates good business principles and sound organizational procedures" which is likely to cause confusion, delay effective action, and increase expense;

3. SCORE members volunteer for a specific set of purposes related to economics and feel little in common with what they term "sociologically oriented groups" which would form the bulk of the "ACTION" agency;

4. A recruiting pool is neither practical nor desirable for SCORE or ACE, because recruitment is screened by SCORE chapters to provide capabilities needed for specific problem industries and geographical areas;

5. SCORE has operated successfully without a paid staff and feels that paid directors now are not only unnecessary but potentially a source of controversy;

6. SCORE assists in SBA programs beyond management counseling, which would suffer from the decline in enthusiasm under this program "and it would be the small businessman who would suffer"; and finally

7. Minority enterprise activities of the SBA would experience a "loss of SCORE assistance in conducting management ability evaluations required for consideration of loan applications."

Mr. Channing concluded: "It is apparent that there is a lack of understanding of SCORE—its methods, policies, principles, objectives and type of members."

The essence of a volunteer program is the willingness of volunteers to work. Thus, to me, the solid opposition of the SBA volunteers is itself probably the most significant factor. This will determine the amount and quality of future effort, or whether these volunteers will just stay home. The members of SCORE through their 161 chapters and at-large members are on record unanimously and publicly against this Plan. I do not know what more convincing testimony could exist that Reorganization Plan No. 1, as presently proposed, will weaken these programs of voluntary assistance to the small businessmen that need them most.

Further, the specific reasons presented in the SCORE testimony on the organization and management aspects of this Plan, by men who are themselves experts in management should be powerfully persuasive.

This judgment about management was the subject of individual minority views in the report of the Senate Committee charged with consideration of this matter. The individual views stated:

"It is fundamental that every unit of government should have a clearly defined purpose. Action lacks this vital ingredient. It is a collection of superficially similar programs linked in reality by a vague concept of volunteerism."

If the Administration has arguments which would override these points, they are obliged to come forward with them now, and I have not seen anything which would discharge this burden of proof.

PLAN WOULD WEAKEN THE SMALL BUSINESS ADMINISTRATION

It is estimated that Score and Ace conduct about 35 percent of all management

counseling accounted for by SBA. If these men were on the payroll, it would cost SBA an additional $2 million a year.

Faulty management is a predominant cause of business failure. Therefore, the health of these volunteer programs—which is at best uncertain and could be much worse—is bad enough for the general economy, which we all wish would speedily recover.

However, more specifically SBA lends and guarantees money belonging to all of the taxpayers of the United States. In most cases the recipients are the newest and smallest firms, most in need of counseling to survive. If 35 percent of SBA's management assistance capability is imperiled, more of these loans will go bad and more of the taxpayers' money will be lost.

In the past four years, SBA has decided four times that management assistance needs to be strengthened. Four times the Budget Bureau representing the White House, has turned back these requests.

In my judgment a further weakening of management assistance under this Reorganization Plan would undermine SBA's loan program, and might well result in an increased volume of criticism directed at SBA, because in the face of growing and fearsome problems, its resources would be shrinking as a result of White House policy actions.

I am also afraid, and I think the Senate should be aware of this feeling, that such a weakening of the loan situation could, in the future, be used as an argument that SBA should lose its independence and be placed within some super-agency where its needs are further submerged in bureaucracy.

SMALL BUSINESS COMMUNITY OF THE NATION WOULD BE WEAKENED

With this potential for undermining both the volunteer programs and the SBA itself, there is little question in my mind that Reorganization Plan No. 1 will ultimately harm thousands of small businessmen throughout the nation.

These entrepreneurs must already struggle against overwhelming odds—rising costs, rising taxes, and competition with giant corporations. To cut back vital management help would be a personal tragedy for thousands of businessmen who have been willing to struggle to make the grade. It will mean financial and personal hardship for their families and friends who have invested their time and money in these enterprises.

We all know such people. We all admire their spirit. Our decision on this Reorganization Plan will directly affect their ability to survive, to prosper, and to give reality to the American dream in our day and in the future.

SUMMARY

On the basis of the reasons presented in the minority Senate Report, the testimony of SCORE volunteers, and the solid opposition of the SCORE volunteers themselves, and in the absence of cogent argument by the White House, I find that I must oppose the adoption of Reorganization Plan No. 1, as presently drafted to include the SBA's SCORE and ACE programs.

I urge that all Senators who are interested in small business, as well as sound principles of government organization, carefully consider these points in making up their minds on this question.

STATEMENT BY SENATOR ALAN BIBLE, CHAIRMAN, SENATE COMMITTEE ON SMALL BUSINESS, BEFORE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION, OF COMMITTEE ON GOVERNMENT OPERATIONS, PERTAINING TO PRESIDENT'S REORGANIZATION PLAN NO. 1, MAY 7, 1971

Mr. Chairman and members of the subcommittee: My purpose today is to appear in opposition to the President's Reorganization Plan No. 1 now before the Congress because I believe sincerely that it seeks to accomplish a worthy goal by an unworthy and unworkable method through the establishment of a new multi-purpose agency of volunteers called ACTION.

The President's goal of calling on a great reservoir of volunteer talent in this country for man to help his fellow man is a most commendable goal. But to seek this by a super volunteer agency whose common purpose or function would be only voluntarism itself makes it a directionless hodgepodge. A fundamental rule of administrative efficiency always recommends grouping together similar functions and basic goals, certainly not present here.

The President's plan is to merge and centralize management and operations of nine volunteer programs as diverse in basic purposes as the Peace Corps, Foster Grandparents, Retired Senior Volunteers, VISTA, National Student Volunteers, the Small Business Administration's Service Corps of Retired Executives and the Active Corps of Executives programs, and eventually the Teacher Corps.

The new ACTION agency budget to start would be $142,000,000 annually and would represent another layer of managerial bureaucracy. Exactly how much of present agency budgets or how many full-time agency administrative personnel would be lost by the old agencies by transfer to staff the new one is another vague aspect of this vague plan.

As Chairman of the Committee on Small Business, I will restrict my views to what I believe is not only the oldest but certainly one of the most successful organized volunteer programs in the Federal government, the Small Business Administration's SCORE and ACE organizations, standing for Service Corps of Retired Executives and Active Corps of Executives.

Today, 3,996 men and women SCORE volunteers and several thousand ACE volunteers across this country are contributing their substantial business expertise without a single penny of compensation or expense reimbursement from the Federal government in order to help many thousands of small businessmen try to remain successful businessmen.

This amazing SCORE organization was started by the Small Business Administration in 1964. It has grown steadily in its membership of business and professional people in more than 850 communities to provide advice and guidance to small business.

So successful was SCORE that SBA in 1969 inaugurated ACE. Today, that program has attracted several thousand working businessmen who, like their SCORE brothers and sisters, volunteer their services and talents to help the country's 5½ million small businessmen try to stay in business in the competitive marketplaces.

During 1970, these volunteers, principally SCORE, counseled almost 100,000 other businessmen who had various management assistance problems. More than 35 percent of all interviews conducted by the entire SBA were handled by SCORE and ACE representatives, a job that would have cost the Federal government many millions of dollars in salaries if regular employees were to try to do it.

These volunteers help the all-too-abbreviated Management Assistance staff of SBA, 123 in the field and 9 in the central office here in Washington, D.C., handle some of the country's small business needs. As an example, hundreds of SCORE volunteers have been working (overtime without pay) in the southern California earthquake area the last several months making loan evalutions and trying to solve other quake-born business problems. Others around the country spend five days a week on counseling desks to relieve regular SBA personnel for other work.

Almost 170 SCORE chapters around the country operate as non-profit, voluntary, non-incorporated associations to help SBA help small businessmen. These volunteers talk to office walk-ins seeking help, answer telephone inquiries, and conduct management assistance evaluations, group training and workshops.

SBA's programs to bring minorities into the mainstream of American small business draw heavily on SCORE and ACE. For example, volunteers are now counseling 5,000 minority loans applicants yearly plus another 8,000 seeking other business advice.

And why is this work important to small businessmen? First, 9 out 10 businesses fail for lack of proper management. and only one out of every two businesses survives 18 months because they do not have enough management exeprtise and assistance at the proper time. Only one business out of five manages its affairs properly enough to last 10 years.

If SBA business loan beneficiaries fail, the SBA and every taxpayer loses.

In brief, I believe the President's plan, which I seriously doubt the Office of Management and Budget really thought through, threatens to cut away from the SBA for administrative and management purposes the important SCORE and ACE management assistance program.

Such a transfer to the new ACTION agency would mark the first time since the SBA was established in 1953 that one of its functions has been lost to another agency.

Since then, the Small business Administration has seen its functions increased by its key roles in hurricanes, earthquakes, floods and other natural disasters, its major minority enterprise functions, its administration of small business investment company activities, increases in some of its loan programs, and its affirmative advocacy of small business in our economic system. If approved, Reorganization Plan No. 1 would threaten this fine record and I hope Congress will vote it down.

Supporters of the President's plan will counter by asserting that SCORE and ACE, even though moved, in fact, to ACTION will be operated through SBA as previously except for administrative purposes. If that is the case, then why the major change in the first place?

SCORE's national planning committee, speaking for its 4,000 volunteers, seriously questions this because it passed a resolution unanimously opposing the transfer proposal I am further aware that this opposition statement brought on a hasty ex parte agreement between the new ACTION agency and SBA wherein both say the transfer will really have no effect at all on the SCORE and ACE programs. Self-serving documentation is always suspect.

Although one of the President's major Departmental reorganization legislative proposals he has submitted to the Congress would end the SBA's independence and merge it into a Department of Economic Affairs, I will judge that plan when its pros and cons are debated later on before appropriate legislative committees. Meanwhile, I will not stand by now to see an important SBA activity summarily jeopardized if I can help it.

Likewise, there are those critics of SBA's independent role who would grab at any transfer of an activity as a reason for merging SBA into a larger department with the attendant loss of its ability to speak as the Federal government's voice for small business nationwide. Both the Kennedy and Johnson Administrations saw their preliminary efforts to end SBA's independence scuttled by the nation's small business commu-

nity speaking firmly out against any merger effort. Rumblings in the Nixon Administration have been greeted similarly for two years.

But the President's plan before your Committee today seeking to place SBA's SCORE and ACE program into the ACTION agency, in my judgment would seriously jeopardize a vital arm of its all-important management assistance program so valuable to both new businesses getting a start and old businesses facing the difficult economic problems of today.

Should the President prevail in this Reorganization proposal, the SCORE volunteers will be requested to work in hospitals, clinics, schools, community development projects, all commendable activity areas but foreign to these men and women trained in profit-making business enterprises in their working years.

For one, I would have hoped that possibly those in the Executive Branch who formulated this plan would have talked with some of the SCORE people, any of the 3,996 men and women around this country in some 170 chapters about their work. But instead, I am advised the Reorganization planners failed to talk with a single one.

In fact, the Office of Management and Budget suggested to one of my Committee staff personnel seeking an explanation of the plan, that the SCORE people should have sought out the Budget Bureau officials and explained their objections. The Budget Bureau official was reminded that probably few, if any, of these thousands of retired businessmen who learned their skills in the business world and not in the Federal bureaucracy, probably had never heard of the Office of Management and Budget in Washington. That is why I say this Reorganization plan was ill-conceived when men and women who make up this successfully proven volunteer endeavor were not even contacted about what they thought.

Then there was the Administration official about 10 days ago who wrote to several thousand SCORE representatives unhappy over the President's proposed Reorganization by saying the plan was "well-deserved recognition by the Executive Branch of your accomplishments." My only comment was that the recognition was apparently so impressive that the Office of Management and Budget planners didn't think it worthwhile to talk with any SCORE volunteers about whether they would or would not like to be cut away from the SBA and join the new ACTION agency.

Since the President's Reorganization plan was sent to the Congress in March, my office has had many letters and resolutions from SCORE volunteers nationwide in opposition. Not a single message in supoprt of it has come in.

Let me conclude my testimony with some of the text from a SCORE volunteer's letter from New Jersey on April 26, who summed it all up in a few succinct words, saying:

"Please leave SCORE as it is. We work well with SBA. . . . After five years working with SCORE, and no help, no funds, no expenses from Uncle Sam or my clients, and 165 now money-making clients (Oh yes, two failures in five years), saving hundreds of thousands of mine and other taxpayers' dollars, I again ask that we be 'left alone'. . . . If not, count me out of SCORE. . . . government red tape and rigamorale disgust me. . . . and I can help elsewhere."

Mr. SPARKMAN. Mr. President, on May 4, 1971, I wrote a letter to the distinguished chairman of the Government Operations Subcommittee, Senator RIBICOFF, opposing Presidential Reorganization Plan No. 1. I am also a cosponsor of the disapproval resolution, along with 15 other colleagues.

I stated in my letter to Senator RIBICOFF that I was deeply disturbed about the merger of SCORE and ACE with the new super agency, Action. I am concerned because I am afraid it will threaten the effectiveness of the management assistance program of the Small Business Administration.

SCORE is one of the most successful of all volunteer programs in any Federal agency. The success of a volunteer agency depends on the willingness of a volunteer to join and carry on the day-to-day activities, and I have not heard of a single SCORE volunteer who supports the merger into the new agency.

I fear that the merger of SCORE and ACE into the new Action agency will destroy the effectiveness of a business-oriented organization. I also fear the reorganization will erode the independence of SBA.

I may say that that is one thing that I have fought for from the very beginning of the Small Business Administration.

I have strongly advocated, and I do now, a strong, independent SBA, as I have said many times. I sincerely hope the Senate will vote down the President's Reorganization Plan No. 1, by voting for the resolution of the Senator from New Jersey which is now before us.

Mr. PERCY. Mr. President, I have great respect for the distinguished Senator from Alabama. I served for 4 years as a member of the Committee on Banking and Currency and developed an affection and high regard for the way he approached his great responsibilities in that committee.

I hope also he would be one of the first to say that in the 4 years I served on that committee my deepest interest was in the area of small business. I have spent most of my life in small business, trying to get into big business, and trying to make that small business a bigger business in my own personal way.

I know when I was defeated for governor I spent several years encouraging technical assistance for minority enterprise and small businessmen. I have supervised directly such a program.

It was for that reason that I questioned very, very strenuously the wonderful representatives we had before us representing SCORE and ACE. I was deeply disappointed, and I told them so, that they were not consulted in advance of this proposed reorganization. I thought they should have been.

But outside of that oversight, I did not hear from them one single bit of evidence of any kind that would cause me to believe that the services offered to small businessmen would be any less. In fact, I felt, at the end of the testimony, that the programs would really be strengthened through the reorganization. They would have a great deal of auxiliary and administrative services, and recruiting services, provided as a service to them.

We wanted clarified from the Small Business Administration its own enthusiasm for this reorganization, the feeling that they could offer more, not fewer, services to small businessmen. We also wanted to fully clarify one point which the representatives before us did not seem to fully appreciate. There is no change in the direct line reporting responsibility between the Small Business Administration and SCORE and ACE. SBA has a direct supervisory responsibility for providing the technical assistance deemed necessary to small business. An auxiliary service would be afforded, administratively, by Action to help SCORE and ACE recruit, to provide the people that are needed and seek them out from all corners of the country. This would, in fact, strengthen the service, as the organization charts in the rear of the Chamber indicate.

At this time I ask unanimous consent to insert in the RECORD a letter from Thomas S. Kleppe, Administrator of the Small Business Administration, which indicates for SCORE and ACE the organizational procedures that would be followed and the full accord of the Small Business Administration with this arrangement.

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

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., April 16, 1971.

Mr. CHRISTOPHER MOULD,
Chairman, Action Task Force, Office of Voluntary Action, Room 6235, New Executive Office Building, 17th and Pennsylvania Ave, NW., Washington, D.C.

DEAR MR. MOULD: This is to set down my understanding of the various working papers and discussions on the relationships among Action, SBA, SCORE, and ACE resulting from the President's Reorganization Plan No. 1.

The Small Business Administration will retain supervision over its established national, regional, and district operations with volunteers, including SCORE and ACE, for the benefit of its small business clients.

Action will expand the application of the expertise of volunteer businessmen to other projects and agencies. Action will include business skills in its national recruiting program and will refer to SCORE and ACE, businessmen who might be interested in their program. Action will offer projects to SCORE and ACE volunteers over and above their service to SBA's clients. Action will publicize accomplishments of volunteers. It will budget for the planning and execution of expanded use projects. It will be responsible for program evaluation.

Action could become a focal point for the reimbursement of out-of-pocket expenses of SCORE and ACE volunteers.

I hope this will be helpful to your Task Force in its work.

Sincerely,

THOMAS S. KLEPPE,
Administrator.

SCORE/ACE RELATIONSHIPS WITH ACTION

ACTION RESPONSIBILITIES

1. National recruitment—primarily publicity and encouragement of formation of new SCORE chapters.
2. National publicity.
3. Offer of new opportunities for volunteer service.
4. Evaluation of impact of SCORE/ACE volunteer services on small business.
5. General budget planning for SCORE/ACE program.
6. Liaison with SBA.
7. Coordination of SCORE/ACE local pro-

grams with other volunteer programs in the same community through information and feedback.

SBA RESPONSIBILITIES

1. Program operation
2. Program direction
3. Program oversight

SCORE/ACE ROLE

1. Volunteer may choose to accept or reject additional opportunities for service, when offered by Action.

2. Local community volunteers may choose to form or not to form additional local SCORE/ACE chapters.

Mr. PERCY. Mr. President, I ask unanimous consent to incorporate in the RECORD at this point a statement by the Senator from New York (Mr. JAVITS).

The Senator from New York is both the ranking minority member of the Executive Reorganization Subcommittee of the Committee on Government Operations and the Select Committee on Small Business.

After exhaustively studying the reorganization plan, the Senator from New York, who is the ranking Republican member of both committees, endorses the reorganization. I think his statement on the reorganization plan will be important to have in the RECORD at this point for that reason.

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

STATEMENT BY SENATOR JAVITS ON REORGANIZATION PLAN NO. 1 OF 1971

I regret that official business abroad prevents me from participating in Senate Floor debate this afternoon on Reorganization Plan No. 1 of 1971. I now support very strongly the Administration's proposal for the creation of Action, the new national voluntary action agency. As ranking Minority member of both the Executive Reorganization Subcommittee and the Select Committee on Small Business, I have been heavily involved in an effort to strengthen the Administration proposal. I believe we have increased the potential of Action to harness on a broader basis the diverse energies of our citizens in helping to confront the great social problems of our country. This can only be accomplished effectively by preserving the deep commitment and promoting the demonstrated success of our present volunteer programs.

We have been assured beyond doubt that the component programs which will be transferred to the new agency, including Vista, Peace Corps, SCORE, ACE, and Foster Grandparents, not only will be continued, but will be strengthened while maintaining there own identities and purposes. I believe that the basic objections which were raised against the plan, principally by those concerned with continuing the anti-poverty orientation of Vista have been met. In that connection, I intend to monitor carefully the integration of these programs into the new Agency.

I urge the Senate to approve Reorganization Plan Number 1 of 1971 by voting to disapprove S. Res. 108.

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

Mr. PERCY. Yes; I am happy to yield to the distinguished Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, when President Nixon visited the University of Nebraska in January, he issued a plea for all generations to work together in harmony for a better America.

He reiterated what most of us realize so well—that achievement of so many of our national goals for this country and the world will always elude the capabilities of government alone. No matter how extensively government resources are devoted to these gigantic tasks, they will fall short of success without a strong element of voluntarism.

The President followed this message with a definitive proposal in March to dramatize and facilitate the voluntarism which we need. His proposal, Reorganization Plan No. 1, was designed to combine the various existing agencies devoted to coordinating voluntary citizen activities into one dynamic organism called Action—a new national volunteer agency.

Both of President Nixon's statements received plaudits from the press and from those who wanted to see voluntary services strengthened in our governmental establishment.

I ask unanimous consent that a number of laudatory excerpts from various publications be printed in the RECORD at this point.

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

SPOKANE, WASH., SPOKESMAN-REVIEW

While combining the volunteer programs will make for efficiency, the actual effect hoped for is expansion—via more volunteers . . . Many of the fine things in America have come about because people volunteered their time to bring them into being. With more volunteers, more yet can be achieved for this nation via people who have much to give in abilities, skills and concern.

SALT LAKE TRIBUNE

A closer grouping of such agencies as VISTA and the Peace Corps make administrative sense, but, in fact, these efforts have enlisted volunteers from all age groups. That has been one of their strengths. Why not extend that possibility?

LOS ANGELES HERALD-EXAMINER

Mr. Nixon has the right idea and he has a man (Joseph Blatchford) who would seem most capable to follow it through in a practical way. We hope to see during the next congressional session a full-fledged Administration effort to transform the President's pledge to youth into meaningful legislation.

LOS ANGELES TIMES

Both the Peace Corps and VISTA (a domestic peace corps) were spawned by previous Democratic administrations and have been rumored at various times to be headed for dissolution or cutbacks under the Nixon Administration. But Mr. Nixon . . . said the merged organization will be assigned even larger tasks, such as 'cleaning up the environment, combating illiteracy and malnutrition and suffering and blight either abroad or here in America.

SAN DIEGO UNION

President Nixon's proposal . . . is a sound reorganizational suggestion. . . . Those who have been concerned directly with the needs of the United States of America will be given the opportunity to serve their nation in a myriad of ways if the President's program prevails. Volunteering to serve government is a sentiment that is on the decline in recent times. What President Nixon is asking in Action is for machinery to revive it.

PUEBLO, COLO., CHIEFTAIN

Restructure of the Peace Corps and the consolidation with VISTA will provide a better opportunity for more professional aid at home and abroad.

ALBUQUERQUE JOURNAL

President Nixon's proposal . . . appears to make sense.

ST. LOUIS GLOBE-DEMOCRAT

The Action Corps reorganization should be swiftly approved by Congress.

TALLAHASSEE, FLA., DEMOCRAT

The idea of consolidating these (volunteer) agencies, however, is a good one. These agencies ought to be under one roof.

OMAHA WORLD-HERALD

But youthful idealism has not been quenched. It seems to be looking for new directions, more fruitful ways of making this a better world. In Lincoln Thursday, Nixon was trying to tap this quieter idealism.

TOPEKA, KANS., SUNDAY CAPITAL-JOURNAL

Times have changed and so have the youth of America since the Peace Corps was organized. Whether President Nixon's attempted injection of new life into the organization will take effect remains to be seen.

LANSING, MICH., STATE JOURNAL

The new agency would seem to be a good step toward more efficient use of our nation's volunteers, as well as making the volunteer service more appealing. We hope it becomes an effective reality.

CINCINNATI ENQUIRER

President Nixon has hopes of revitalizing the (Peace Corps) organization by revising its structure and purposes . . . Clearly, President Nixon is seeking to replace the liberalism and idealism of the early 1960s with a more pragmatic approach. Conditions in the world indicate that this is a wise, if not the only feasible way of addressing the agency's decline. President Kennedy's idea was a good one; it remains to be seen if President Nixon can improve its chances of working well.

ROCHESTER, N.Y., TIMES-UNION

Only the most embittered on either side of the generation gap will oppose Mr. Nixon's promising attempt to bridge it.

PHILADELPHIA DAILY NEWS

Mr. Nixon's proposal merging the Peace Corps, VISTA and other voluntary groups into one agency is a visible effort to give young people a new vehicle for trying to build a better nation.

Mr. HRUSKA. Then, as has happened so often during the past 2 years, forces of indecision, partisanship, and obstructionism move into the picture and the familiar record of opposition began to grow. The opposition in this instance appears to be developing in large degree with those who have personal stakes in the President's proposal, either in terms of their own future status or their own record of service.

What does Action endeavor to do, Mr. President? Very simply, the reorganization would combine the assorted voluntary service agencies now residing here and there throughout the government structure. By combining the Peace Corps, VISTA, and such programs as the national student volunteer program, Foster Grandparents, retired senior volunteer program, Service Corps of Retired Executives and the Active Corps of Executives, it would seem obvious that the reorganization plan would:

First. Consolidate and simplify the administration and servicing of these voluntary agencies so that additional resources could be devoted to program support rather than nonproductive functions.

Second. Enable the agency to develop an unmistakable voluntary image which will stimulate more and more volunteers to join the national effort.

In other words, such a program will achieve President Nixon's objectives of

increasing our volunteer resources and using them in a way to accomplish more than they can accomplish now.

One of its major advantages is the opportunity which it offers to provide expert assistance in recruitment, selection, training, placement and support for the volunteers. These functions now must be carried out by each of the agencies responsible for the voluntary effort. Combination of the services would represent a very sizable saving in manpower and resources which could be diverted to program goals.

Other ways in which Action will be a more effective instrument for voluntarism include:

First. Providing a new priority of purpose. Instead of being small components of larger agencies with differing missions, Action programs will be assured of undivided support and direction.

Second. Providing a new focus of public attention, increasing awareness of citizen service as a major resource in tackling today's poverty related problems.

Third. Providing simplified application and placement, and an additional opportunity to combine volunteer service between foreign and domestic service.

Fourth. Providing an unprecedented opportunity for the pooling of experience already gained and an almost instantaneous pooling of experience yet to be gained.

Fifth. Providing greater community participation, with emphasis on genuine initiative by local authorities, universities, and private groups in instituting programs.

Sixth. Providing greater administrative efficiency, freeing a larger portion of its funds for volunteer activities in the field.

Action would bring together an initial force of some 22,000 volunteers whose experience and talents would be directed by an initial budget proposed at $176.3 million. That amount is $20 million higher than the total of funds available to affected agencies this year, but when one considers the extensive savings which will be achieved by the combination of various administrative and support activities, it means the amount of additional funds available for volunteer programs will rise many millions of dollars above that figure.

To me this proposed reorganization represents an exciting prospect. That is why I am distressed to hear opponents of the plan contend that it will discourage volunteers and enthusiasm, and that it will add to the cost of existing organizations.

These contentions are born in many instances of desperation by those who have a personal stake in maintaining the status quo. The arguments have been plucked from thin air. There is no substantiation of these reckless claims. Logic alone tells us that they have no validity.

Like my colleagues, I have a personal interest in the program which affects several hundred Nebraska young people who are devoting their time and energies to creation of what they fondly hope will be an improved world. I am proud of the fact that in the Peace Corps, for instance, 291 Nebraskans are serving or have served 93 of them from the University of Nebraska.

These young people are offering their time and energy, and most importantly, their tremendous enthusiasm for achievement of the program's goals. They have a most difficult job and it is the great advantage of the Government to help them work toward this goal.

The obvious way in which we can help them is by a reorganization which makes good sense from an administrative standpoint, from a fiscal standpoint and from a psychological standpoint.

This is precisely what President Nixon has endeavored to do in Reorganization Plan No. 1. He has a sound program which will achieve the goals we all seek for the volunteer Federal service.

Mr. President, I thank the Senator from Illinois for yielding.

Mr. PERCY. I thank my distinguished colleague for a very important and forceful statement.

Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I support Reorganization Plan No. 1 and oppose Senate Resolution 108, and I shall direct these few remarks especially in support of the inclusion of the Service Corps of Retired Executives—SCORE—and the Active Corps of Executives—ACE—under the jurisdiction of the Action Agency.

President Nixon has recognized in this Reorganization Plan No. 1, the great resource of volunteerism. He has taken the initiative to create a structure through which voluntary action can reach its potential as an enduring, powerful force in solving the problems of the poor and the disadvantaged. I am convinced that the spirit of volunteerism has only begun to develop in the United States. It can, and should be, encouraged; and it can assume a prominent role in improving the lives of the American people. President Nixon intends to make the most of this precious resource of personal commitment. The establishment of Action makes his intention very clear.

I recognize that there are some who feel that there is a risk in joining programs which are too dissimilar—specifically, in bringing SCORE and ACE under the Action umbrella. From my own State of Florida, there have come sincere expressions of concern for the future of these two volunteer programs. Participants in SCORE and ACE have impressed upon me the tremendous benefits that have come to the small businessman as a direct result of voluntary efforts. I share their feeling that such successful assistance programs should be maintained and should be expanded to include an even greater scope of activity. This is the thrust of the Action Agency.

SCORE—Service Corps of Retired Executives—includes 3,500 former executives—experts in almost every phase of private enterprise. They do consulting work on SBA referral for small businessmen through 155 local chapters. In addition to counseling the problem plagued small businessman, SCORE members cosponsor and conduct small business workshops and management training programs.

ACE—Active Corps of Executives—members are recruited by SBA from major industry, trade associations, educational institutions and the professions. They are active executives who are on call through SBA. They participate in solving complex management problems that require extensive counseling and training.

Bringing these business-oriented programs into Action, I believe, will link them with other programs with different skills and resources. It will join them in common purpose. Together, they will form a single mechanism which can direct an efficient, determined attack on pressing national and community problems. I believe that a consolidation of expertise and the consequent broadening of approach and available resources is a definite improvement over the now-isolated efforts of the existing programs.

The Action Agency proposal does not discount success; it builds upon its valuable foundation. SCORE and ACE will maintain their organizational structure and their operational ties with SBA. The Action Agency will simply stand behind them assisting them in general planning, evaluation and publicity functions. The merger should bring an increased recruitment potential, particularly as it relates to the founding of new chapters in communities which do not yet have the advantage of these programs. Also, Action will enhance the potential for business counseling opportunities to be referred through SBA to SCORE and ACE from other Action programs including VISTA.

It is my belief that Action will provide a means by which more American businessmen can volunteer their time and their talents on either a part-time or a full-time basis. With the Senate's approval of Reorganization Plan No. 1, we can point with pride to a structure which facilitates "voluntary" services in the broadest sense of the word.

It occurs to me that the great strength of this reorganization plan will be to bring under a single management the volunteer organizations.

It will get them out from under huge bureaucracies, like HEW. It will give volunteerism new encouragement, free rein and encourage the fresh ideas of volunteers.

This Nation has long done more than any other in the field of volunteer effort in medicine, in ministry, in agriculture, in fighting poverty, in many other charitable works throughout the world.

This Reorganization Plan No. 1 fosters and encourages that great volunteer spirit of this Nation.

I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield myself 3 minutes.

I should like to point out, in reply to the Senator from Florida, that, as printed in the record of the House hearings, the statement of Walter H. Channing, the chairman of the Service Corps of Retired Executives, SCORE, indicates

total disagreement with the position that the agency SCORE be submerged in the proposed agency Action.

I ask unanimous consent that several paragraphs of Mr. Channing's statement as it appears in the House record be printed in the RECORD at this point.

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

SCORE agrees that expanded volunteer services are desirable and does not oppose the concept of a consolidation of duplicating programs with similar goals and functions providing this can be accomplished without additional expense. But SCORE does vigorously oppose its inclusion in the consolidation proposed in Reorganization Plan No. 1 for the following reasons:

1. There is no evidence that a study has been made of the feasibility of including SCORE in this consolidation. It is incredible that such a plan would be prepared without first securing the views of SCORE.

2. The language of the plan would have SCORE serving two masters, the Small Business Administration and the national volunteer agency. This violates good business principles and sound organizational procedures. The assumption of administrative details by one agency and operational functions by another can only compound confusion, delay effective action and increase expense.

3. SCORE members volunteer for a specific purpose—to aid the hard-pressed small businessman in solving his problems. To try and consolidate such an economic oriented oragnization as SCORE with other sociological oriented groups would lead to mass confusion and conflict.

4. Recruitment of SCORE members is handled by individual chapters on a selective basis to provide talent and experience needed in specific fields and specific geographical areas. A recruiting pool is neither practical nor desirable.

5. SCORE sees nc need for the imposition of a paid staff of a new Government agency to direct SCORE activities but we do see fertile ground for controversy between nonbusiness-oriented salaried employees and mature, business-oriented, experienced nonpaid SCORE volunteers.

6. In addition to counseling the problem plagued small businessman, SCORE members also engage in other activities, including cosponsoring and conducting small business workshops; participating in management training courses in cooperation with universities, professional and trade associations, and chambers of commerce; and manning the SCORE desk to handle walk-in interviews. SCORE is now recognized as the major thrust in the Small Business Administration's management assistance programs in counseling and training. In the 6-month period ending December 31 of fiscal year 1971 volunteers handled 14,028 counseling cases and 17,302 interviews. We believe it would be impossible for the Small Business Administration to maintain this level of activity without SCORE assistance, and it would be the small businessman who would suffer.

7. The loss of SCORE assistance in conducting management ability evaluations required for consideration of minority enterprise and economic opportunity loan applications, of which 2,682 were conducted in the 6-month period ending December 31 of fiscal year 1971 by volunteers would in our judgment impede that program as well.

At the direction of the National SCORE Planning Committee I submit the following resolution unanimously endorsed by the members of the Committee acting as regional representatives of SCORE:

RESOLUTION

The National SCORE Planning Committee, as the voice for 3,800 unpaid SCORE volunteers operating through 166 chapters and counselors at large in all sections of the United States, urgently recommends that the proposed incorporation of SCORE in the planned national volunteer agency (Action) be suspended pending adequate consultation with representative SCORE volunteers to first determine the feasibility of that proposal and to include the following:

1. Study and development of specific administrative plans incorporating sound organizational procedures which will provide for the uninterrupted functioning of the present successful SCORE program.

2. Resolution of conflicts inherent in combining in one agency group with economic orientation such as SCORE and groups with sociological orientation.

3. Resolution of the probable clash and controversy between "paid" volunteers and unpaid volunteers.

4. Study and preparation of pertinent operating directives, policies and procedures.

Mr. PERCY. Mr. President, I should like once again to point out to my distinguished colleague that the testimony given before the House committee and to be inserted in the RECORD is in total misunderstanding of the legislation as proposed.

As the chart makes perfectly clear, and as we tried to bring out in testimony before our committee and have brought out in matters introduced into the record, there is no direct reporting relationship to Action from SCORE or ACE. On the organization chart that was sent over with the President's plan, there is a dotted line, which anyone familiar with management principles understands to indicate a cooperative effort—coordinating and voluntary, using the services of Action—but not a direct reporting relationship from SCORE and ACE. I just have to reemphasize that when we are using the phrase "submerged in Action," that indicates a fundamental lack of understanding of the plan.

If those who came to testify against it before our committee would have only read the plan and read what the President had said, they could have saved themselves a great deal of effort and time. I would have no doubt about their concern if this were a direct line reporting relationship, but it is not.

Mr. CHURCH. Mr. President, I support Senate Resolution 108 to disapprove Reorganization Plan No. 1, which would transfer the retired senior volunteer program, foster grandparents, and several other programs to a new volunteer agency to be called "Action."

Earlier this year the Senate Committee on Aging, of which I am chairman, and the Subcommittee on Aging of the Labor and Public Welfare Committee conducted 5 days of hearings on this issue and other related questions affecting the elderly. Virtually all witnesses at these hearings, with the exception of administration representatives, expressed strong opposition to the proposed reorganization plan.

FOSTER GRANDPARENTS AND RSVP

Despite some very practical and organizational considerations, there are many substantive reasons for rejecting the reorganization plan as it affects aging programs. First, the foster grandparent program is not even a volunteer program. It is an employment program which is designed to help low-income elderly persons out of poverty. Participants in the 68 projects earn $1.60 per hour in providing supportive service for neglected, retarded or otherwise disadvantaged children.

Moreover, the transfer of RSVP and foster grandparents to Action would substantially weaken the Administration on Aging, which has already been downgraded by other recent reorganization moves. Acquiescence in this course of action could eventually lead to the dissolution of AOA. This, in my judgment, is particularly compelling because AOA is the focal point in the Federal Government for 20 million older Americans. In discussing the impact upon AOA, Nelson Cruikshank, president of the National Council of Senior Citizens, stated:

The proposed action of the reorganization plan, we believe, would signal the death knell of the Administration on Aging and this would be a serious setback to national efforts to tackle the problems of our older people.

Additionally, RSVP and the foster grandparent program could easily lose their identity if they are to be ultimately combined with such divergent units as Volunteers in Service to America, the Peace Corps, the Teacher Corps, and the Office of Voluntary Action. Mr. Bernard Nash, executive director for National Retired Teachers Association—American Association of Retired Persons, made this point quite aptly when he said:

A major complaint in the field of aging is that older persons programs constantly lose in competition with those for other age groups. To incorporate the small AoA programs into a large multifunctional agency which has little experience with this age group, and no observable commitment to it, will be to further underscore the argument.

OTHER COMMONSENSE CONSIDERATIONS

And there are some additional commonsense considerations for opposing the proposed transfer. From an organizational standpoint, it will be quite difficult—if not impossible—to combine the administrative, training and recruitment components of programs that are as diverse as those to be merged in Action. Each one of the programs has a different approach, mission, and constituency. These factors must, of course, be considered in establishing a rational training and recruitment program.

Moreover, the programs to be included within the new agency do not have the same functions. Instead they range from a corps of employed executives who provide counseling services to a program designed to break the poverty cycle.

As a practical matter, no umbrella unit can reasonably expect to be as effective in the field of aging as an agency—such as the AOA—which is concerned exclusively with the problems and challenges of elderly persons. Such an agency is likely to have too many divergent demands upon its time and personnel to consider in an appropriate manner the special problems of elderly participants.

Lastly, the Congress, in approving the

1969 amendments to the Older Americans Act, expressed its strong intent that RSVP and foster grandparents should be under the direction of the AOA. If these programs are to be taken away from AOA, then this should be done through the legislative process—instead of by executive fiat.

For these reasons, I urge approval of Senate Resolution 108.

(This marks the end of the colloquy which took place earlier and which by unanimous consent was ordered to be printed in the RECORD at this point.)

The PRESIDING OFFICER (Mr. PACKWOOD). Who yields time?

Mr. PERCY. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. May I ask the Chair, how much time remains to me?

The PRESIDING OFFICER. Thirty-six minutes remain to the Senator from Illinois and 22 minutes to the Senator from New Jersey.

Mr. PERCY. I thank the Chair.

Mr. President, first, I should like to say to my distinguished colleague, the Senator from New Jersey (Mr. WILLIAMS), that he has rendered a valuable service to the Senate, inasmuch as the introduction of his resolution of disapproval has enabled us to crystallize a great many of the issues that have been raised in opposition to the plan. Without the resolution having been introduced, we would have failed to clarify many of the points that his resolution of disapproval has enabled us to clarify now, by going back to the administration and asking specific questions about certain objections that have been raised.

Mr. President, I ask unanimous consent to have printed in the RECORD portions of a letter which I sent to Members of the Senate, explaining the answers to certain of the objections raised by the Senator from New Jersey (Mr. WILLIAMS), which I hope will answer those particular points.

There being no objection, those portions of the letter were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 1, 1971.

DEAR COLLEAGUE: I am writing you in connection with the vote scheduled for 11:00 a.m. Thursday, June 3, 1971, on Reorganization Plan No. 1 of 1971, to improve and expand Federal voluntary programs through consolidation in a new agency to be called ACTION.

A resolution (S. Res. 108) to disapprove the plan was introduced by Senator Harrison Williams, April 26 and referred to the Government Operations Committee. Hearings were held on May 5 and 6 before the Subcommittee on Executive Reorganization and Government Research. The Subcommittee, on May 19, approved the plan by reporting unfavorably, 4–3, the resolution of disapproval. That action was supported by the full Committee on May 25 by a 10–3 vote (Chairman McClellan was joined by Senators Ervin, Gurney, Mathias, Saxby, Roth, Brock and myself; opposed were Senators Muskie, Ribicoff, and Harris).

The Williams resolution has served a very valuable purpose by crystallizing the issues involved in this reorganization. As a result, in the course of hearings, we were able to address his concerns that the plan was inconsistent with the general purposes and guidelines set forth in Title 5 of the U.S. Code for reorganization plans. Specifically, on the point of reducing expenditures, it was pointed out that

"The President stated, in his Message accompanying the Reorganization Plan, that the Plan is responsive to Section 901(a)(1), 'to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions and the expeditious administration of the public business' and Section 901(a)(3), 'to increase the efficiency of the operations of the Government to the fullest extent practicable.' (Section 903(a) expressly states that a Reorganization Plan shall be responsive to one or more of the situations described in Section 901(a). The President did not specify that saving money would necessarily result from the Reorganization, but relied instead on Sections 901(a) (1) and (3)).

More effective management, better administration of the law and greater efficiency would result from the Reorganization because

It would eliminate unnecessary duplication in the recruitment and selection of volunteers (one recruiter on a college campus could serve several programs—one recruitment office in a city could serve all ACTION programs).

Administrative matters could be consolidated in one administrative operation rather than five—one personnel office, one payroll office, one administrative service office, one audit office to handle all contract and grant programs, and other fiscal matters, one legal staff, one budget staff, one public information staff, etc.

Programs could be better coordinated and applied so as to assure maximum impact on poverty groups or areas. VISTA, R.S.V.P., Foster Grandparents, and SCORE-ACE programs could be employed in unison or in any mix that would achieve maximum results. (In effect, a joint funding approach.)

The grouping of these programs would make it possible to augment them in such a manner as would bridge any gaps that now exist. In fact, the $20 million that will be requested for ACTION is primarily intended for this very purpose—namely, the initiation of new innovative programs designed to fill needs not covered or inadequately covered by existing programs."

As to Senator Williams' second point, *preserving ties to related substantive programs,* the Committee was informed that

"Programs which are placed in ACTION will continue to maintain close ties to the agencies from which they will be moved in the following ways:

Through continuation of local sponsors (approximately 57% of VISTA sponsors and 65% of sponsors of the Foster Grandparent program are OEO-supported agencies. These relationships will continue).

Through carefully developed relationships with existing agencies. (The detailed procedures of ACTION & SBA vis-a-vis the SCORE-ACE programs are presently being thoroughly worked out).

ACTION will permit better budgeting for volunteer programs by putting them in an agency in which volunteer service would be the *only* concern rather than a tag and appendage to programs having a different thrust."

On his third and fourth points, dealing with *the grouping of functions according to related purposes and maximizing efficiency within government,* the Committee was assured that

"In each of the programs, the function is the delivery of personal service by a non-paid or partially paid individual to a particular area of need. The services provided are, for the most part, provided on a one-to-one basis. Rather than being dissimilar, the programs are, therefore, similar. They demand qualities of commitment, personal concern and human caring which transcend traditional services provided by government. Bringing the talents of such individuals together to focus on pockets of need in communities will be central to ACTION's operation and will be carried out through specially designed recruitment, training and placement."

Mr. PERCY. Mr. President, the name of Roy Ash has been raised in this debate. Statements attributed to him have been read which have then been reinterpreted to mean possibly that Reorganization Plan No. 1 would be in conflict with what Mr. Ash had actually said.

I would like to make it perfectly clear that Mr. Ash did testify before the Government Operations Committee, in full committee, on the overall executive reorganization plans that have been introduced by the administration and that I have introduced on its behalf. He made it perfectly clear at that that, although the Ash Council never addressed itself to Reorganization Plan No. 1 as such, he himself was fully in support of such plan and felt that its implementation would strengthen the component programs.

Also, we asked certain questions of Mr. Arnold Weber, Associate Director of the Office of Management and Budget at our hearings before the Subcommittee on Executive Reorganization, and I ask unanimous consent to have printed in the RECORD the answer he gave to one question we put to him. The question reads:

How does this reorganization plan for ACTION square with the principles relating to executive reorganization as set forth by the Ash Council?

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

6. How does this reorganization plan for ACTION square with the principles relating to executive reorganization as set forth by the Ash Council?

Answer: Other than VISTA, the Ash Council did not make a recommendation about volunteer programs. Volunteer programs have sometimes tended to be submerged in programs with broader objectives.

a. In the merger of the departments the objective of the President is to organize around broad National purposes and achieve a unity of command over the resources required to carry them out. In the formation of ACTION the objective of the President is to achieve unity of management over the resources that the volunteers represent for tackling specific problems identified by the people as valid tragets for volunteer ACTION. In the first instance the focus is on purposes selected for the Nation and in the second it is on facilitating voluntary ACTION by individuals on purposes selected by the people.

b. Volunteer programs, do not fall naturally into any single one of the purpose-oriented groupings of the new departments, but rather cut across all of them. It would have been difficult to place volunteer functions in any single location and expect them to operate respectively. Effective operation of all volunteer programs in a single department would be difficult to achieve.

c. The breadth and variety of volunteer programs is expected to increase in the future. It is desirable to organize these volunteer activities so that they may serve many national programs without conflict and prejudice. This suggests a separate and "neutral" agency, able to deal broadly with all government departments in the most productive way.

d. Volunteer programs are an evolving

form of public service. We have demonstrated the ability to achieve success in individual cases, but we are now striving for a more effective approach where several programs can be grouped together in ways which are self-reinforcing—the whole being greater than the sum of its parts. We hope to make the new agency the springboard for broader and more innovative programs for the future. This kind of experimental and innovative program can best be managed in a separate agency. Program approaches and directions can be changed as we learn which patterns are most fruitful.

Volunteers differ from civil servants in the nature of their commitment. They are not fully compensated for their work, nor are they forging a career for themselves. It makes sense to place them in a separate agency where their recruitment, selection, placement, and employment can be especially designed for volunteers. Individual service should be under guidance less formal, explicit and controlled than that under which the regular Federal employee operates.

The new agency reflects the broad concepts of management and organization which are contained in the Departmental Reorganization Program. Top policy-making staff will have broad cross-cutting responsibilities, with clear-cut lines of authority and with accountability. Domestic program operations will be carried out through a regional structure which conforms to the ten Federal regions, and the Regional Directors will work closely with the Federal Regional Councils. The National Advisory Council will offer a point of contact for constituent groups to advise the Director on program policy. Staff to the Director will provide him with support to make effective decisions on such things as policy, resource allocation and evaluation. It will also serve as a direct reference point for outside groups interested in Action programs and activities.

Mr. PERCY. Mr. President, Mr. Weber clearly and forthrightly discussed this reorganization plan as it related to the principles of the Ash Council report.

Mr. President, let me point out that one of the most valuable and helpful witnesses we had appear before the Government Operations Committee was Mr. John Gardner, former Secretary of Health, Education, and Welfare, a member of the Johnson administration Cabinet and also a man who has been deeply involved in the problems of America. He has demonstrated his leadership most recently through "Common Cause," a program now supported by well over 100,000 dues-paying members, and certainly a program that has made a tremendous impact upon American society—upon the Government of the United States and the people of this country.

The vision Mr. Gardner has of Government, having seen it as an educator, having seen it as a foundation head, and having seen it as head of the largest single department of Government, is most valuable indeed.

All Senators would benefit by a comment he made in his testimony before the committee on May 25 in which he said:

> Now let me say a word, Mr. Chairman, about the relations of Congress to the executive departments. I believe Congress should exercise its functions of oversight with far more vigor than it does. It should demand performance of the executive agencies which would itself be adequately staffed to measure performance and it should be tough in holding executive departments accountable.

That is exactly the record the Government Operations Committee has made in the hearings. We have taken the responsibility, without regard for partisan politics, for the fact that Congress has assigned to the committee "oversee" duties. When the administration presumes to make certain representations, we have put the administration on notice that we will ask them 4 months from now, or 6 months from now, to be held accountable for certain representations they have made, and items for which we have asked them to be accountable, as have been noted in the report of the Government Operations Committee that was filed on May 26.

I shall not repeat those, but it is perfectly apparent to the administration that we are going to indicate to them that we intend to follow through on the programs.

I would like also at this time to indicate that Mr. Gardner said at the time he testified before us, that when he was Secretary of Health, Education, and Welfare he was in the midst of putting together certain volunteer activities within his jurisdiction. This was an effort to find a certain common denominator that held them together, lest they be interspersed and intermixed, as they were with the career services. He amplified those comments considerably in his testimony, copies of which have been made available to Members of the Senate.

Mr. MATHIAS. Mr. President, I should like to acknowledge the strong leadership the distinguished Senator from Illinois (Mr. PERCY) has offered to the Senate in dealing with this question of the reorganization of the volunteer programs which have been carried on under the auspices of the Federal Government.

He has done more than any other single person, in my judgment, to strengthen the positive role that reorganization can play in volunteer programs and to dispel some of the advance fears with regard to the program.

Everyone of us has heard some of the expressions of concern. We are all aware of the fine record of the Peace Corps, for example, as well as VISTA and other volunteer programs. People have been worried that the programs would lose their special character, would lose the appeal they have not only to the young people of America but also to the spirit of America around the world.

I have personally made some very searching inquiries. I feel perfectly assured that there is not any attempt to deprive these programs of this special character.

I think because of the administrative reorganization some of the effort and energy that goes into administration now can be concentrated on the program and new energy and new initiative can be given to it.

I was concerned whether volunteers who want to serve, for example, in the Peace Corps will find, as we sometimes unfortunately find in the armed services, that what they have signed up for is not what they get. I was concerned that the program not produce disillusionment.

I think what we are really doing is streamlining the administration of the whole volunteer function so that we can get what the name of the new program implies—action, less overhead, less energy spent on the routine tasks involved in maintaining any kind of program on a large scale, worldwide, or nationwide program as this would be, and a concentration on the real motives and purposes of the program.

I think the Senator from Illinois has demonstrated by his remarks here the very strenuous efforts he has made on and off the floor, that this has been the result and that it constitutes a better atmosphere for these programs.

It is for that reason that I intend to support the plan when it comes to a vote in the Senate.

Mr. PERCY. Mr. President, I thank my distinguished colleague who has been such a very valuable member of the Government Operations Committee, who has such concern for these matters. His interest in foreign affairs, in the Peace Corps and the impact these young people have had around the world is apparent in his dedication to solving the problems existing in the ghettos. No one could say that the Senator from Maryland is interested in the reorganization plan for partisan reasons. If he thought this program would set back the programs he believes in so deeply, he would oppose it. It is for this reason that, after he read through the hearings and evaluated the testimony of the witnesses, he came to the independent judgment that this program was good for America and would not in any way injure the programs.

I would like to point out that, whereas I pay great tribute to the remarks of the distinguished Senator from Massachusetts (Mr. KENNEDY) about the Peace Corps and VISTA, I believe deeply that the young people want to have influence in the country's course and do want to help their fellow man.

This generation has distinguished itself for its lack of materialism and lack of interest in going out, purchasing a home in the suburbs, buying two cars and letting it go at that. They have evidenced more concern here and abroad for their fellow men than any other generation in history.

This generation has responded to the calls of this cause. Volunteers in Peace Corps will reach a high of 26,000 at the end of the recruiting period in August. That arrests the downward trend we have experienced in the past 4 years. Rather than getting fewer volunteers, we are getting more, and the programs are more meaningful in content. We note that many of them have professional training. They are getting more sophisticated in their requirements, so that not only is the number increasing, but the quality of our applicants is also going up. There is no evidence that we could present to show that these programs are diminishing.

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

Mr. PERCY. I yield.

Mr. MATHIAS. Mr. President, I think that is exactly correct. Without in any way trying to be facetious, let me point out one very important volunteer. That the President of the United States supports these programs I do not believe is

seriously questioned at this time. However, I point out that this is a very significant contribution the President of the United States is making in this atmosphere. While he has supported it in the past, this focuses his personal interest, and his personal voluntary act in support of these programs is an endorsement of the strongest and most binding kind.

I do not think the signficance of the President's participation here should be lost sight of in the Senate or in the country. The fact that he has advanced this plan becomes a very real guarantee and pledge of his continued personal support. That means a great deal and will, I think, mean a great deal to the people who are called upon to serve and the people who are the beneficiaries of the services and those who want to know what the future of the program will be.

Mr. PERCY. Mr. President, I think that is a very important comment. There is a sincere commitment here by the President. I think it is best exemplified by the fact that the First Lady, Mrs. Nixon, has distinguished herself for her interest in these matters.

Mrs. Johnson did an outstanding job in the Johnson administration in identifying herself with the beautification of America. Mrs. Nixon is devoting herself in this volunteer cause.

This country has been made great not merely by the services of Government career people who are paid salaries out of the tax revenues. We have distinguished ourselves by how much we get done in this country through volunteer action.

Mrs. Nixon has visited volunteer action groups across the country. So have other members of the family. They have taken a great deal of their personal time in trying to bring forth to the American people today the genius of America that de Tocqueville pointed out in 1832 when he observed that the great reservoir of American resources came from the people who did not make their money and livelihood during the day, but from people—the butcher, the baker, the candlestick maker, the librarian, the Girl Scout leader, and the Boy Scout leader—who worked at night as volunteers. Millions and billions of volunteer hours have contributed to make this a great Nation.

This is what the President is trying to do in this program, to put special focus on it so that its light can shine forth rather than be submerged in some larger agency. Let us face it, the Peace Corps is getting to be an old agency. It is passing the first decade and is getting into the second decade. As it becomes older, new inspiration must be breathed into these programs. The President is not submerging the programs. He is focusing particular attention on them.

I would say, as John Gardner said:

> Let us hold the administration accountable for the end results. But we should not try to tell the executive branch how it should achieve these end results. We should say, "This is what we expect. This is why we appropriate the funds. These are the goals we expect you to accomplish and will hold you responsible for. But we will not try to hold you to the means by which you achieve the end result."

If we remove from the executive branch the means by which they can achieve the ends desired, then we cannot hold that branch responsible. Congress might as well assume the responsibility for running the country and say that it will take over executive responsibilities. The responsibility should instead be left with the executive branch of the Government.

Mr. HARRIS. Mr. President, as a member of the Subcommittee on Executive Reorganization of the Government Operations Committee, and as one who seriously questions the propriety of merging eight national volunteer programs under one umbrella as proposed in the present Action proposal, I rise at this time to offer my support of Senate Resolution 108, introduced by the distinguished Senator from New Jersey (Mr. WILLIAMS).

After studying the President's message, reviewing the hearings, and discussing the proposal in committee, I have found an overall lack of sound rationale in the President's proposal and a disturbing absence of specifics on what Action Corps will have to offer.

While I heartily support the idea of expanded volunteer service as a means of solving the Nation's problems, I see little evidence that Action will promote this goal. The consolidation of eight programs diverse in aims and methods—two of which, Teachers Corps and Foster Grandparents, which are particularly close to me, can hardly be considered volunteer—would seem to create dangers not only of inefficiency but also of "watering down" the unique thrust of each program. The assurances that the VISTA program would not be changed only throw further burden on the administration to provide a full rationale for the new agency, to prove what Action will do.

I am most particularly concerned about what Action Corps will mean for youth. I have long felt strongly that America's youth have a tremendous amount of dynamism and idealism to contribute. That America has much to gain from their full participation in solving the Nation's problems is apparent. To achieve this involvement, I proposed a Youth Participation Act in the last session, and I have recently reintroduced it. This act calls for the establishment of a Foundation on Youth Participation and a National Advisory Commission on Youth.

The foundation, as its primary function, would make grants to public and nonprofit agencies which sponsor programs for youth that involve their active participation in planning and implementation. Foundation grants would serve as seed money to encourage local organizations to set up permanent programs for youth which involve their participation in planning and direction and which are funded from local sources. Foundation efforts would encourage industry and unions to invest in youth participation programs. Another foundation function would be to offer technical assistance to those public and private agencies which contribute to its purposes. The foundation also would be empowered to accept private donations furthering youth participation.

The National Advisory Commission on Youth would conduct a broad survey of the social and legal implications of the earlier maturation of our young people for submission to the President and Congress. It would also investigate other matters of concern to youth such as educational reform, job opportunities, and welfare policies affecting youth.

Action Corps, as it is presently outlined, seems to have little new to offer young people beyond the present VISTA and Peace Corps programs. There have been no new program ideas presented on training techniques or better projects and sponsors; there have been only vague references to more experimentation. In fact there seems to be no new program.

Mr. President, as the Senator from Connecticut (Mr. RIBICOFF) and I pointed out in the Minority Report of the Executive Reorganization Subcommittee, the Peace Corps and VISTA have different motivational, cultural, training and administrative backgrounds. The essence of VISTA is the culture of poverty in America. The essence of the Peace Corps is living and working with people in the developing nations abroad. SCORE is a private, nonprofit organization of retired businessmen formed to provide advice to ghetto businessmen, while Foster Grandparents is a Government program designed primarily to supplement the income of the elderly poor. There are four essentially different programs.

The Office of Management and Budget claims that the purpose of Action is "to strengthen and supplement local, national and international efforts to address and solve local community problems." This is so broad and indefinite as to include anything and everything volunteers might conceivably do.

The proposed agency makes sense only as a service center for volunteers. It could possibly perform a useful function in channeling volunteer efforts in desirable directions. But this is an insufficient rationale for establishing a complete, new independent agency.

In the Executive Reorganization Subcommittee, the distinguished Senior Senator from New York (Mr. JAVITS) offered by way of correspondence from the Director of OMB a series of compromises the administration was willing to make in order to make the plan more acceptable to members of our subcommittee and the agencies and individuals opposed to the merger. I commend Senator JAVITS for his efforts in this regard. However, I, along with many of those who oppose the merger in its present form, do not feel that the compromises offer any real assurances that VISTA, SCORE, Foster Grandparents and the other programs will not lose their identity and present programmatic emphasis if the merger succeeds. Since the plan cannot be amended, compromises will have to be accomplished legislatively. Therefore, even though the administration has agreed to certain functional and orga-

nizational changes, there is no way that we can be sure at this time that they will become law.

The ultimate question raised by Reorganization Plan No. 1 is whether the merger of these programs under a single umbrella agency will reduce their effectiveness. The administration has assured us that the names, identities and missions of these programs will be preserved. In fact, the administration has virtually guaranteed that the content of all the programs will remain unchanged. This makes us wonder whether any possible gain in efficiency is outweighed by the confusion and uncertainties which will certainly result from the transfers.

But, more importantly, separation of VISTA from OEO, SCORE from SBA, and Foster Grandparents from HEW must inevitably harm both the separated program and those that are left behind. For example, VISTA is the largest manpower component of OEO. Sixty-five percent of its project sponsors are community action programs. The experience gained by each now benefits both. This will be less likely to occur after VISTA is cut off from OEO. The entire antipoverty effort will be weakened at the very moment that the number of poor people in America is increasing for the first time in a decade.

Both Tom Scanlon, ex-Peace Corps volunteer, and Tom Newberry, present VISTA volunteer and chairman of the National VISTA Alliance, testified before the Executive Reorganization Subcommittee that there is a definite lack of enthusiasm for Action among youth. Important in their testimony is the fact that they felt that you would not volunteer for an agency whose purpose was as generalized as Action's will be. They also indicated that Action would necessitate an additional level of bureaucracy, potential red tape, which would be a further obstacle to effective activity in the field and increase the reluctance of youth to volunteer.

These well-considered statements, supplemented by similar testimony in the House subcommittee hearings from other youth leaders, show a considerable skepticism on the part of youth as to the meaningfulness of Action Corps. They cannot be ignored.

I feel that we must expand the opportunities for full youth participation within the system and also the chance for all of our citizens to join in volunteer efforts; but I do not see Action Corps as a viable means of achieving this. We have clear and reasonable testimony from both youth and older groups in opposition to the merger, and no evidence of administrative or program efficiencies.

If the administration is seriously concerned about enhancing volunteerism in America, and if it is interested in reorganizing existing volunteer programs established under Federal law, then it is my feeling that it should present to the Congress specific legislative proposals designed to accomplish such purposes. This, of course, would give Congress the opportunity to conduct hearings on the legislation and to take into account the comments and suggestions of citizens concerned with, or who would be affected by, the proposal. As I stated previously, the Action proposal cannot be amended. Under existing circumstances we have no way to change or alter the Action proposal without providing legislation in addition to what has been proposed.

Mr. President, for these reasons, and because the questionnaire I sent to a great number of people in my State who served as VISTA volunteers elicited overwhelming opposition by them to this proposal, I have serious reservations about the proposed merger and the possibilities for establishing a truly functionally integrated volunteer Action program which in effect would not emasculate or undermine any of the existing agencies, programs, or missions, or take the heart or the real enthusiasm out of these programs.

These are real concerns not only of my own, as I have said, but of those who are vitally concerned with these programs now, and who have been in the past. To my knowledge, the fears expressed by many of those who will be affected by the merger have not been allayed by the testimony of witnesses favoring the plan nor by the compromises embodied in the letter which the administration sent to the Senate through the distinguished Senator from New York (Mr. JAVITS).

My reservations are further heightened by the fact that youth and others involved were not involved in the planning of Action, and by the fact that a survey which I am presently conducting on the attitudes of former VISTA and Peace Corps volunteers from the State of Oklahoma on the proposed merger currently shows that two-thirds are against the Action proposal.

Accordingly, I shall vote for the resolution of disapproval and strongly urge its adoption.

Mr. PERCY. Mr. President, I have great respect for my distinguished colleague's position and his comments, but I find them in sharp contrast with my own experience. I have met with Peace Corps members all over the world. I have met with VISTA workers in a number of cities. I have yet to talk with a VISTA or Peace Corps volunteer or alumnus who fully understood the President's program or who, when it was explained to him, that did not feel there was considerable merit in it.

I also ask unanimous consent to insert in the RECORD at this point an editorial from the Evening Star, dated Monday, May 24, 1971, the concluding sentence of which reads:

> Congress should reject the proposal to block this eminently sensible merger.

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

[From the Evening Star, May 24, 1971]

MERITORIOUS MERGER

Last month the White House Conference on Youth, convened in snowy Colorado, handed the Nixon administration some lumps. But the young conferees did vote approval of the President's plan to merge the Peace Corps, VISTA and several other volunteer service programs in a new agency to be called Action. They correctly discerned that the consolidation can increase both the efficiency and inspirational magnetism of these efforts. But there is danger that Congress will conclude otherwise. The proposal could be undone in a House vote scheduled tomorrow.

There seemed little opposition when the President presented the plan back in March. He announced the combining of a half-dozen domestic volunteer endeavors, utilizing his executive reorganization powers. The Peace Corps would be added later through executive action. Congress had 60 days to kill the merger or let it stand. Now some congressmen, led by Chairman Carl Perkins of the House Education and Labor Committee, are trying to snuff it out.

Some congressmen have fatherly interests in the various programs, which now are scattered in several agencies. VISTA is under the OEO and others are in HEW, HUD and the Small Business Administration. Together, they have more than 11,000 volunteers at work aiding poor and distressed people all over the country. Lawmakers critical of the consolidation fear a depletion of OEO, or a submerging and suffocation of VISTA, Foster Grandparents or some other programs. Some see this as a possible move to diminish the over-all volunteer service corps effort. That is convincingly denied by Peace Corps Director Joseph Blatchford, who would head the new Action corps. He foresees revitalization and expansion instead of retrenchment, and has some potent proof: The President is asking for an extra $20 million for the domestic programs.

The Peace Corps is a separate agency, and, contrary to rumors, isn't dying on the vine. It operates in 58 countries with 8,000 volunteers. That's about 4,000 fewer than were enrolled five years ago, but applications lately have been burgeoning. From September through April they were up 49 percent from the same period a year earlier. Also, the corps is providing more of the vocational assistance which underdeveloped countries desperately need. For example, agricultural specialists have increased from 4 percent of the corps total two years ago to 22 percent at present.

There is no reason why these several service corps should have separate recruiting programs, or why other costly duplications of manpower and talent should continue. Centralization would make application by volunteers and dissemination of information much easier. It also would mean improved coordination and dispersal of these varied programs. Congress should reject the proposal to block this eminently sensible merger.

Mr. PERCY. Mr. President, I believe the merger passes every reasonable test which could be put to it and to those who want these programs carried on. I think the administration has a right to do its thing in this case. I have every confidence that the programs will flourish and flower under this reorganization. They would fail to do so under the present agencies because, I think, they have in some cases overstayed their time in those agencies. A new lease on life can be given to them under this plan.

Mr. WILLIAMS. Mr. President, I yield 7 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. Mr. President, I intend to vote against the proposed reorganization plan. I guess I should put it that I intend to vote for the resolution of disapproval and hope my colleagues will do likewise.

Rejection of the proposal will give the administration a chance to think this matter through carefully and, if it still believes that this consolidation should be carried out, come back with a well-

prepared plan showing exactly how the new Action agency will function and what role its various components will play.

My own concern centers on the Peace Corps, which the President proposes to place under Action once it is established. Indeed, we are told that the Director of Action will remain the Director of the Peace Corps. I have grave reservations about the transfer of the Peace Corps authorities to the Director of Action. The Peace Corps already suffers from too close an identification with the U.S. Government. The anti-American tide abroad in the last 6 weeks alone has resulted in the Peace Corps being disinvited from Panama and Bolivia. They are the two more recent ones. They are the first Latin American countries to end Peace Corps programs. The Peace Corps can only be further hurt by association with a larger Government bureaucracy.

The Peace Corps is unique in many ways. It operates under the continuous supervision and general direction of the Secretary of State. It has an unusual personnel system which members of the Washington headquarters staff, as well as the overseas staff, are commissioned as Foreign Service Reserve Officers for a period of 5 years, at the end of which they have to leave the Peace Corps unless a rare 1-year extension is granted. It operates under an annual authorization of appropriations, which are carried in the Foreign Assistance Appropriation Acts. Answers as to how these differences in authorities and procedures between the Peace Corps and domestic volunteer programs will be resolved have not been forthcoming to date. For this reason, in introducing the Peace Corps authorization request—S. 1711, April 26, 1971—I specifically reserved the right to amend that bill to insure that the Peace Corps keep its separate identity and that the authority of the Secretary of State and our Ambassadors not be diluted.

For this reason, also, I recommend that we reject Reorganization Plan No. 1 and wait to obtain better answers to all the questions that have been raised about it.

This reorganization episode reminds me procedurally of the birth pangs of the Point 4 program, which made its appearance as an idea in President Truman's 1949 inaugural address. However, the idea did not take shape until 15 months later and extensive debate in both Houses. I suggest the same deliberate speed be exercised on the idea expressed in the President's January address at the University of Nebraska.

I ask unanimous consent to insert in the RECORD at this point a list of the six different agencies, one might call them, or so-called volunteer programs, which are involved in Reorganization Plan No. 1.

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

PROGRAMS TO BE TRANSFERRED TO ACTION

1. VISTA (Volunteers in Service to America) (From the Office of Economic Opportunity (OEO)) provides volunteers to nonprofit public or private organizations to assist their efforts to aid the poor by working and living with them. They are assigned at the request of such agencies for a period of one year, with an additional six weeks of training, and are paid living expenses plus an additional $50 per month. They live in urban slums, rural poverty areas, on Indian reservations and in migrant camps, and their work programs include social services, housing, health, education and manpower, economic development and community planning.

2. NSVP (National Student Volunteer Program) (From OEO) encourages and assists in the development and improvement of student voluntary action programs in high schools, colleges and universities throughout the nation, and acts as a clearinghouse for such activities. NSVP offers technical assistance to student volunteer programs through manuals, leadership training, consultation, etc., and seeks to open channels of communication among local student volunteer efforts through newsletters and conferences.

3. Foster Grandparent Program (From the Department of Health, Education and Welfare (HEW)) recruits and trains persons over age 60, with low incomes, to serve neglected and deprived children, usually in institutional settings, who can benefit from close, personal relationships with adults. It operates through grants to State agencies, community action agencies and others, and provides for the payment of a minimum wage for such services.

4. RSVP (Retired Senior Volunteer Program) (From HEW) provides opportunities for persons 60 years of age, or older, to perform volunteer services to their respective communities through such activities as assisting aged, ill or handicapped persons with personal shopping or home tasks, assisting underachievers in schools, providing individual attention to children with exceptional needs or serving as volunteers in court proceedings. They are reimbursed for out-of-pocket expenses incident to their volunteer activities, such as transportation and meals.

5. SCORE (Service Corps of Retired Executives) (From the Small Business Administration (SAB)) provides opportunities for retired businessmen to assist in the development of small businesses.

6. ACE (Active Corps of Executives) (From SAB) provides opportunities for working businessmen to assist in the development of small business.

The above activities involve volunteer small business consulting programs which are organized and sponsored by the Small Business Administration. They include interviewing, planning, counseling and evaluating small businesses, either by retired (SCORE) or active (ACE) business executives, with special attention to management ability evaluations and management assistance plans, in support of the management assistance activities of the Small Business Administration, most of which are in support of minority business enterprises.

7. Volunteer Army—would have a different purpose.

Mr. FULBRIGHT. Mr. President, I can only state that it seems to me that their objectives are quite diverse and the fact that volunteers are involved is irrelevant to the objectives which they seek to achieve. I suppose one could say that we can have a volunteer army by putting volunteers into it. It makes as much sense as to say that activities involved in SCORE, retired executives, and other activities are similar to activities involved in VISTA, where the young people go to the slums and rural poverty areas to perform services. There is no real relationship or relevance between the activities which they perform or the objectives which the others seek to achieve. The fact that they may be staffed by some volunteers at least—some have other regular civil status—is not a good reason to bunch them together, it seems to me.

Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. FULBRIGHT. I understand that all of the nongovernment witnesses—in other words, those who were not employed by the Government—opposed this merger. That is what I was told. That in itself is a very significant fact. Those who are directly involved and are not under the influence of the Government itself do not approve, at this time at least, of the merger, because of the reasons I have already given—that their objectives are so dissimilar there would be no cement among the various activities that would cause them to have a mutual interest in one another's activities.

It seems to me, because of its inability to accomplish something more specific in other areas, that this is simply an effort by the administration to gain some "Brownie points" in the legislative field. I do not think it has been thought through, certainly with regard to the Peace Corps, in which my committee is primarily interested. I, at this stage at least, would not wish to see it merged into this kind of activity, into a much larger bureaucracy. The Peace Corps is the only one that is engaged in the foreign field primarily, and has different objectives.

I may say that, as far as the Peace Corps is concerned, it itself is going through a very important change. It was originally designed for young people inspired to go abroad and be of assistance to other countries, largely in the field of teaching. I hear on the radio now that they are really begging people to apply for the Peace Corps. It is now a program designed to recruit primarily tradesmen and craftsmen and carpenters, and so forth, to go abroad.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. That is quite different from the original program. So I think the Peace Corps ought to be reexamined, too.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I should like to respond directly to the remarks of the distinguished Senator from Arkansas, but first I yield to a member of the Committee on Government Operations who has been invaluable in our organizational work, the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. President, I thank the Senator for yielding. I should like to address myself briefly to the remarks of the Senator from Arkansas, and his comment that there is no relevance between the various volunteer agencies.

It seems to me that his own background on the committee which he so ably serves as chairman would point to the past history of the Peace Corps as illustrative of the kind of problem we are trying to address in this particular reorganization plan.

One of the basic problems with the Peace Corps has been that volunteers do

not have adequate experience in terms of service that would allow them to provide the kind of background and knowledge that was necessary to develop those countries they were trying to serve. It seems to me that the correlating of the activities of the various agencies would allow us enormously to enhance the skills and abilities of our voluntary groups, whether they be domestic or international. I think that is one of the prime thrusts of this legislation. Although the Peace Corps and the Teachers Corps are not joined in the bill, some rather remarkable work has been done in combining the services of those who were in the Teachers Corps 1 year training corps domestically, by then putting them into the Peace Corps, so that they could bring more training and talent to bear on the problems they found overseas.

I think the essence of my support for the proposed reorganization lies in the fact that all too often, Congress seems to be asked to take some additional power away from the people of this country and place it in the hands of the Federal Government. But today we have an opportunity to create a new agency that will be charged, in many ways, with doing precisely the opposite.

The creation of Action by putting Peace Corps, VISTA and several other agencies under one roof is a direct response of the need to bring our people and their government closer together. It is a response that deserves our support.

We are all familiar with the work of these volunteer agencies. Both at home and abroad, the volunteers devote their efforts to improving the lives of people less fortunate than themselves. They help to raise not only hopes and dreams but the very quality of the lives of people in the communities in which they serve. Now that very dedication and effort, brought together under unified guidance, will be able to reach more people and, at the same time, involve more people who want to serve.

No one is contending that this effort, by itself, will bring an end to human problems in this country or elsewhere. It is not going to build by itself vast new housing units or remake the state of the economy. It will not suddenly produce manpower programs affecting millions of workers or create mass transit systems to get the people of the inner city out to jobs in the suburbs or build hospitals or automatically replace bad schooling with good education. Nor should it attempt to do these things. Those who criticize the Action proposal for falling short in these areas miss the point of the reorganization altogether.

Action can go to work at the roots of these problems in a less massive, less spectacular but, in a sense, more real way. Action will work not with faceless programs but with real people. The volunteers will not sit in offices. They will be standing side-by-side with the people who need their help. They will share the problems and the solutions.

The Action volunteer can humanize the multitude of programs which we write here but are too often only words on a statute to the people affected. The volunteer can serve as the human link between a faceless bureaucracy and the person in need. In a sense, the volunteer will be—as he is already—a symbol that we, as a nation, care about our people and the people of other lands.

The Action volunteer will hold out a helping hand to the poor, the disadvantaged, the isolated, the neglected, the apathetic, the very old, and the very young. Carefully selected and trained for his special role, the volunteer will try to help in securing the things that will make better the life in the community in which he serves.

In this manner, through training and knowledge, and through skillful prodding when needed, the volunteers of Action can help restore faith in a system which today many say does not work. The democratic process depends upon the commitment and the effort of the people whom it is supposed to serve. Action volunteers will supply a large share of that commitment and effort. And, if through their contributions, the system works better and the people feel more a part of it, then our deed in approving this new agency today will have been well rewarded.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Nixon's Initiative on Volunteerism," written by Charles Bartlett and published in yesterday's Washington Evening Star.

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

NIXON'S INITIATIVE ON VOLUNTEERISM

(By Charles Bartlett)

It is puzzling that so many leading Democrats in Congress have taken a partisan, skeptical and constricted view of President Nixon's ambition to expand the citizen's opportunities to join the volunteer movement.

Liberal Democrats are defending a status quo which produces an extremely modest number of American volunteers against a Nixon proposal which has the advantage of aspiring to find a new key to the national spirit. The Nixon move slowly is prevailing in Congress because it is backed by Democrats like Hubert Humphrey and Henry Reuss who had the earliest visions of the Peace Corps.

The Nixon initiative so far is not any cause for idealistic excitement. The House approved last Tuesday exactly what the President proposed, a mere regrouping of seven volunteer operations into one new agency. This was nothing imaginative but, if the Senate follows suit, there will be a new base from which fresh attempts may be made to stir broad citizen interest.

The liberals were concerned largely with protecting the programs which exist already. Their resistance stemmed from a feeling that Nixon must not be entrusted with the future of volunteerism, that he will devour the babies already hatched. "Is he really making this reform to enhance volunteerism," asked Rep. Michael Harrington, D-Mass. "or to kill it?"

The pertinence of this question is diminished by three factors.

One is the failure of present federal volunteer programs to draw out significant numbers of young Americans. Two is the urgent need, in the fractured climate, to appeal to the constructive side of public attitudes. Three is the evidence that many young are straining to hear, through the cacophony, the pure notes of a well-reasoned call to idealistic involvement.

Five years ago everyone thought the Peace Corps and VISTA would answer this need. But the Peace Corps was essentially a product of anti-Communist foreign policy and the young today are less moved to compete for the hearts of the third world. VISTA frustrated many recruits by stirring their anger at the inequities of poverty while denying their right to organize mobs to storm the political barricades.

Above all the past decade taught that great federal initiatives do not stimulate wide enhusiasm among the young, particularly when many facets of federal policy are mired in controversy. All the signs warn that unless compulsory national service is enacted by Congress, volunteerism will be widely accepted only when it has a local character.

Great national volunteer programs apparently work in the Soviet Union where the official hand is heavier. It is necessary to be impressed by accounts of what young volunteers do in a system in which the authorities says simply: "Young people are always strongly motivated. The question is: To what end?"

Since few American politicians, notably Rep. Jonathan Bingham, D-N.Y., have, so far, summoned the nerve to espouse compulsory service for the young, the new Nixon initiative will depend heavily on its success at discerning and responding to needs which are felt at the grassroots.

This means the new program cannot be decreed by a small group of drafters in a Washington conference room. It will have to come slowly, osmotically from the people and be arranged so that Washington will intrude to the minimal degree on what individuals at home set out to do for themselves.

Joseph Blatchford, the young Californian who will head ACTION, is a natural but not an obtrusive leader. He and Edwin Etherington, the educator who is undertaking to create 100 private volunteer centers around the Nation, are well chosen for the task of igniting the more positive mood which lurks out there somewhere.

Mr. BROCK. In conclusion, I extend my gratitude to the Senator from Illinois for his leadership in this effort, and say to him that I endorse and share in his remarks. I think he has made an excellent contribution to the work of this body and to the effort we are making today.

Mr. PERCY. Mr. President, I thank my distinguished colleague from Tennessee.

While the distinguished Senator from Arkansas is in the Chamber, I should like to read to him from a statement prepared for the Committee on Government Operations by John W. Gardner, pertaining particularly to the point that the Senator has raised.

Mr. Gardner said:

A more intellectual issue has been raised by those who argue that a volunteer corps must stay close to its subject matter. I agree, but don't see the need for it to be administered by the same agency that administers the subject matter. Does anyone believe that the Peace Corps would have done better embedded in the State Department or AID? In the long run I believe that the freshness of the volunteer spirit will be best preserved if all the various corps enjoy some degree of separation from the agency dealing with their subject matter.

In further support of the position that he has taken so strongly in favor of Executive Reorganization Plan No. 1, Mr. Gardner stated:

In exploring the issues in 1967 it became quickly apparent that the various volunteer corps might resist and fear any attempt to bring them together under a common umbrella. This is natural and predictable. Each

corps has a healthy sense of its own identity—and morale built around that sense of identity. But it is not necessarily healthy to assume that a corps once established must remain untouched and sacrosanct forever. Each corps, if it is to continue as a vital, living activity must expect to change and must periodically reassess its mode of operation.

What is important is not that any one of the constituent corps survive in precisely its present form but that the idea of volunteer service in crucial areas of human need survive and flourish and emerge as a truly significant part of our national life. My concern is not that the constituent groups remain untouched and inviolate under the reorganization. My concern is that there will not be enough change and experimentation and testing of new patterns. My concern is that bureaucratization will settle too quickly over the whole activity. My concern is that each constituent corps will develop too early—may already have developed a fixed notion of its own identity and role that will virtually rule out change. Perhaps we should put a maximum life term of 15 years on any one of the constituent corps and provide that it go out of existence at the end of that period. A volunteer activity is particularly dependent upon a certain zest and aliveness that tends to diminish with the years, as good administrators make the operation more efficient, as Government auditors bind it in the mummy wrappings of procedure, and as the early enthusiasts grow complacent about their noble mission.

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

Mr. PERCY. I am happy to yield, on the Senator's time or on mine.

Mr. FULBRIGHT. I do not have any time. I assumed the Senator had time.

Mr. PERCY. I am happy to yield on my time.

Mr. FULBRIGHT. The Senator is the only one who has any, as far as I know.

I did not suggest that these agencies would be embedded in concrete. But take the Peace Corps. The Peace Corps has already changed very substantially from its original purpose.

It was started in a period before we became embroiled in the Vietnam war, and before the young people of this country were disillusioned with the foreign policies of this country. They used to have 10 applicants for every place they could serve. Today, they are mounting a very expensive recruitment program—I take it is expensive; I hear it repeatedly on the radio—to solicit volunteers. But they are no longer doing anything the AID program cannot do. They are not looking for inspired men and women to go out and serve the country; they are looking for mature, developed craftsmen, carpenters, agriculturists, and what have you, to perform specific acts, which is exactly the same type of thing done by the AID program.

The real question about the Peace Corps is whether or not, in view of its changed character, there is any excuse for continuing it at all. Under this legislation, it looks to me if we merge all of these agencies we will have one big bureaucracy; they will all lose their identities and we will have a new bureaucracy that will develop a momentum of its own. Those two activities having to do with the Small Business Administration, for example, have quite a different objective from people who are interested in VISTA. The VISTA program still has, I think, a considerable amount of enthusiastic support on the part of young people, who can see around them the opportunity to do something for their fellow men—quite different from the foreign situation. Besides, our foreign policy has so disillusioned the young people that they do not apply to the Peace Corps. Moreover, these countries are disinviting us. As I mentioned, just within recent weeks two have asked us to leave; the first ones in Latin America.

Why did they do this? It is because they also are disillusioned with our foreign policy. We must cure our foreign policy and a few other things before we make this work, in my opinion. I think it is premature, just because there are some volunteers in these other agencies, to put them all in one pot.

Mr. PERCY. I certainly would agree in some sense and disagree in others with the comments that have been made by my colleague. Certainly, the Vietnam war has presented a terrible problem for these young people—who are mostly opposed to the war——

Mr. FULBRIGHT. Yes.

Mr. PERCY. To go out and represent the United States of America in a country that is hostile to this country and hostile to them as young people simply because they are associated with a country perpetuating the war. It is for that and many other reasons we ought to end our involvement in this war as fast as we can.

In the 10 minutes I have remaining I will go to another subject.

It is relevant to this extent: I feel that we do have a problem in having an agency which used to be a fresh new agency simply continue in the same old rut.

John Gardner wrote a remarkable book called "Self Renewal." We have to renew ourselves as individuals, and many times an organization needs to be shaken up and shuffled up. Those who have been in it before always resist change.

Even though they are young people, they want it done the way it was done when they were in the organization. But the distinguished Senator's comments have been the best evidence we have had so far that one who knows so much about these programs realizes there has to be some change.

If these programs are just buried along with other bureaucracies, they are going to get tired and lose their freshness and sense of purpose.

What we are trying to instill here is a sense of freshness and newness with a leadership pulling together people who are not trying to make careers out of the work they are undertaking, but who have in common a desire to serve their country. Right now we have these seven or eight agencies, each sending recruiting teams all over the country trying to get volunteers.

Under this plan, we can send one recruiting team to a campus. We can recruit for VISTA, for the Peace Corps, for other programs. We can send them into a central city such as my own city of Chicago, where they can offer opportunities for various kinds of public service to people who do wish to contribute their time and energy, not to come into the Government for a full-time, fully paid career, but just to come in to offer their help. I feel that we ought to give the administration a chance to try this out.

I am optimistic. Now that I have fully understood the program and have on record the commitments of the administration, I am optimistic about the program.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. PERCY. Mr. President, hearings on the plan and the resolution were held on May 5 and 6, 1971, by the Subcommittee on Executive Reorganization and Government Research. The subcommittee on May 19, approved the plan by reporting unfavorably the resolution of disapproval. That action was supported by the full committee on May 25 by a 10-to-3 vote—Chairman McCLELLAN was joined by Senators ERVIN, HUMPHREY, CHILES, GURNEY, MATHIAS, SAXBE, ROTH, BROCK and myself; opposed were Senators MUSKIE, RIBICOFF, and HARRIS.

In the House, the Subcommittee on Legislation and Military Affairs of the Government Operations Committee approved the plan by reporting unfavorably, 9 to 3, a similar resolution of disapproval introduced in that Chamber. The full committee also approved the plan, 22 to 16, and the House, only last week expressed overwhelming support for the plan in turning down the resolution of disapproval by a 224-to-131 vote.

The purpose of Plan No. 1 is to improve and expand the volunteer programs of the U.S. Government by consolidating in a single new agency numerous voluntary programs which are presently scattered throughout the executive branch. It would establish a new independent agency called Action to administer the functions of:

First. Volunteers in Service to America—VISTA—now part of OEO;

Second. Auxiliary and special volunteer programs, now part of OEO;

Third. Foster grandparents, now part of the Administration on Aging, HEW;

Fourth. Retired Senior Volunteer Program—RSVP—now part of the Administration on Aging, HEW;

Fifth. Service Corps of Retired Executives—SCORE—now part of SBA; and

Sixth. Active Corps of Executives—ACE—now part of SBA.

Upon establishment of Action, the President proposes to delegate the principal authority for the Peace Corps, now delegated to the Secretary of State, to the new agency. The function of the Office of Voluntary Action, now in HUD, would also be transfererd by executive order. The President proposes to transfer to the functions of the Teacher Corps, now part of the Office of Education in HEW, to Action through legislation, to be submitted in the future.

GOALS

The President has outlined six goals which this reorganization would accomplish:

First, developing innovations in voluntary services;

Second, bringing together full-time and part-time volunteers and developing new opportunities for part-time volunteer service;

Third, bringing together programs appealing to younger volunteers and those appealing to older volunteers;

Fourth, developing programs combining foreign and domestic service and providing for an exchange of ideas and experience between these efforts;

Fifth, broadening the utilization of volunteer abilities beyond categorical programs by allowing volunteer skills to be used in areas where they are not presently used; and

Sixth, providing a more effective system of recruitment, training, and placement of full-time volunteers than at present by centralizing administrative and informational functions.

Achievement of these goals would lead to—

First, encouragement of local initiative;

Second, assignment of volunteers, where appropriate, to work under other Government agencies and private organizations;

Third, utilization of local part-time volunteers for specific jobs;

Fourth, involvement of educational and other organizations to broaden volunteer efforts; and

Fifth, emphasis on recruiting and applying the skills of trained craftsmen and professional workers.

To assist in the establishment of this expanded role for volunteer services, the President has proposed $20 million above component agencies' budget requests for finding new ways to use volunteer services.

Over the past 10 years, several Federal volunteer programs have developed independently and each has enjoyed a measure of success that demonstrates voluntary action can be a force for change. Within these separate agencies, vested interests have grown as each attacked different problems at home and overseas. There has been little sharing of experience and little coordination of overall purpose. The administration's Reorganization Plan No. 1 offers an opportunity to bring these programs together so there can be a broader and more effective assault on the problems which face this Nation and the world.

That is the essential issue. At stake here today is whether this body can endorse a plan which in effect emphasizes the role of the volunteer as never before and which will provide greater support for his efforts to ameliorate the causes and effects of poverty.

The recent White House Conference on Youth adopted a resolution calling for 200,000 volunteers to work on problems in the areas of health, housing, education, community and economic development and social services. This would be almost 10 times the number of volunteers now serving in the various separate programs the President seeks to combine. Endorsing too, if we accept the premise that many more thousands of volunteers are needed to help reach solutions to our problems, then we cannot do less than support a plan which has as its major purpose providing all Americans an opportunity to put their time, their energy and their skills to work wherever they are needed. If these programs are to remain separate, there is good reason to believe that voluntary action cannot have the kind of an impact necessary to be truly effective.

The administration is on record as being committed to an expanded voluntary effort. Reassurance after reassurance has been given that if this reorganization is approved, the budgets of the now separate and scattered agencies will be revised upwards. As a part of Action, the Peace Corps is to receive an additional $10 million to carry out its mission overseas. VISTA is to receive $12 million more for its work in the United States. There will be $8 million available for innovative and experimental programs which are poverty oriented.

During committee hearings, certain anxieties were expressed which we specifically posed to administration witnesses. In response, we received the following assurances:

First. Reorganization Plan No. 1 constitutes an administration commitment to more fully develop, support and preserve volunteer efforts aimed at solving local and national problems by providing an organizational base most compatible with channeling resources—money and manpower—toward that end.

Second. Action would work through existing programs as well as seek to develop innovative, new programs to the extent authorized by existing legislation.

Third. No program will be discontinued or cut back as a result of the reorganization. Component organizations within Action—Peace Corps, VISTA, SCORE, ACE, RSVP, Foster Grandparents, and so forth—will retain their name, identity, image, sponsors, programs, and commitments.

Fourth. The President would be requesting $141 million for voluntary action programs in fiscal year 1972 as compared to the $137 million appropriated for fiscal year 1971. The fiscal year 1972 amount includes $20 million in new money being requested to support new initiatives for domestic volunteer programs.

Fifth. As a result of the reorganization it will be possible to send a volunteer application or request for information to one location and have it reach relevant projects and programs; there will be greater flexibility and continuity in transferring from one program to another; attention will be paid to setting appropriate standards for remuneration; more resources will be spent on developing projects to meet local needs; volunteer projects within an area can be more easily coordinated; project referrals can be made from one program to another; proven program techniques can be transferred from one program to another more readily; better technical assistance can be provided to private volunteer groups; it will be possible to undertake research into new types of volunteer programs and program support.

Sixth. Emphasis in VISTA will continue to be on community involvement in antipoverty programs and on organizing the poor to help themselves rather than simply furnishing their needs or providing services to them. VISTA would have a fiscal year 1972 budget of at least $45 million in contrast to the fiscal year 1971 appropriation of $36 million. There would be an increase in the number of volunteers serving in poverty areas, particularly in the category of community VISTA volunteers under which persons from poverty areas are trained and supported to work in their own communities.

Seventh. Representatives of volunteer groups will be consulted on matters involving internal administration within Action, and program innovation and experimentation; the views of people served and the volunteers themselves will be taken into account in the selection of key Action personnel.

Eighth. OMB and/or Action will report back to the Committee on Government Operations within 120 days after the plan takes effect on program and administrative decisions, explaining decisions reached and detailing their background—including disposition of recommendations made by representatives of volunteer groups.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from Mr. George P. Shultz, Director of the Office of Management and Budget, dated June 2, 1971.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., June 2, 1971.

Hon. CHARLES H. PERCY,
Senate Government Operations Committee, U.S. Senate, Washington, D.C.

DEAR MR. PERCY: You have asked whether we foresee any alteration in the manner in which future legislation dealing with the Peace Corps, VISTA, SCORE-ACE, the Retired Senior Volunteers Program, or the Foster Grandparents Programs, particularly authorizations for appropriations for these programs, will be handled by the various legislative committees of the Congress if Reorganization Plan No. 1 of 1971 becomes effective.

There is nothing in Reorganization Plan No. 1 that would require any such change in the present jurisdiction of the various legislative committees.

Unless and until the Congress shall otherwise direct, the Peace Corps Act will remain a separate statute and we assume that future changes in the Act, including amendments to appropriations authorizations, will be considered by the Foreign Relations Committee.

Unless and until the Congress shall otherwise direct, we assume that the Labor and Public Welfare Committee will continue to exercise comparable jurisdiction with respect to Title VIII of the Economic Opportunity Act of 1964, as amended (VISTA), and Title VI of the Older Americans Act of 1965, as amended (Retired Senior Volunteer Program and the Foster Grandparents Program), and that the Banking, Housing, and Urban Affairs Committee will continue to have jurisdiction with respect to the SCORE-ACE program, since that program is conducted under the provisions of the Small Business Act, as amended.

Sincerely,

GEORGE P. SHULTZ, *Director.*

Mr. PERCY. As has been explained in testimony before committees of both Houses, Action will not infringe upon the programs of the affiliated agencies. But it will be able to draw upon the combined experience of all to provide a central point of access for citizens seeking an opportunity to serve. Mr. Blacthford, who has been selected to head the new agency, has made the point that few Americans are aware of the options open to them and they miss the opportunity to serve. He suggests that this is because of the absence of a coordinating mechanism and it cannot be effectively argued that having a larger reservoir of potential volunteers to tap will not benefit all programs.

There is the expectation and hope that Action can mobilize our human resources on such a scale as to make voluntary service truly significant. To do this, Action will rely upon local initiative to identify problems and to supervise their implementation. Action can provide full-time volunteers skilled in many specialties. It will afford technical assistance and guidance to local volunteer programs to develop within them the professionalism essential to sustain an effective voluntary action.

Finally, Reorganization Plan No. 1 will provide the organizational capability to better channel volunteer energies toward creative ends and, in the process, relieve some of the anxiety and uneasiness that we have recently witnessed across the Nation. What we need as a Nation is a new commitment, a new initiative. By merging the voluntary programs, coordinating systems of recruitment, selection, training and placement, and at the same time infusing the whole concept of voluntarism with new program directives, we can ensure a critical momentum which today is sorely lacking. As John Gardner told the committee in a statement fully endorsing Executive Reorganization Plan No. 1:

> The volunteer idea can play a far greater role in our national life than it has today. The volunteer corps as they exist today barely scratch the surface of the possibilities. In the total scheme of things today they are very minor ventures, rich in the sentiment of the participants but poor in resources and small in size and scope. . . . Each of the Volunteer corps that have been established to date has performed well in its own way. But each has been totally committed to its own pattern of operation and none has been charged with a really imaginative broad-scale exploration and development of the volunteer idea. If the various operations are brought together under one roof they can not only benefit by certain shared services, but the new agency can be charged with aggressive exploration of new patterns of volunteer activities.

Vested with an administration priority and the President's own personal commitment, Action can be a dynamic force for addressing some of the urgent problems that beset our Nation. It is a logical, innovative, exciting, and most important, urgently needed reorganization proposal. I commend the administration for recommending it. I commend my colleagues on the Government Operations Committee and the distinguished chairman of that committee for endorsing it. And I strongly urge my fellow Senators to approve Reorganization Plan No. 1 by rejecting the resolution of disapproval which is before us today.

Mr. WILLIAMS. Mr. President, earlier I mentioned that it seemed to me that we have in this proposal a sort of conglomerate of four decades of burgeoning democracy. In the committee report, the organization of Action is described on page 6:

> ACTION would have its national headquarters in Washington and 10 regional offices located in Boston, New York, Philadelphia, Atlanta, Chicago, Kansas City, Dallas, Ft. Worth, Denver, San Francisco and Seattle.
>
> National headquarters would be composed of the offices of the Director and Deputy Director, Policy Development and Resource Allocation, General Counsel, Minority Affairs, Public Affairs, Congressional Affairs and Voluntary Action Liaison. Directly under the office of Director and Deputy Director would be five Associate Directors, each of whom would head one of the following units: Program Development; Recruitment; Selection and Placement; International Operations; Domestic Operations; and Administration. The Associate Administrator for International Operations would have responsibility for the Peace Corps, following the transfer of its functions to ACTION; the Associate Director for Domestic Operations would be responsible for the programs involving Older Americans, VISTA and SCORE/ACE. Each of the ten regional offices would be headed by a Regional Director.

Mr. President, I simply suggest that for those who have that motivation, the human motivation to be of service to human beings, this is the kind of bureaucracy that would almost spell terror.

In the President's message of March 24, 1971, he mentions expanding the Government's role in the development of volunteer resources, and defining the Government's purposes in the area of voluntary services. He says:

> Now the role of government has been confirmed, and its responsibilities and obligations are clear.

I am not so certain in my own mind exactly what the role of the Federal Government should be in the field of voluntarism. I am perfectly clear in my own mind that a Federal policy should be one of complete sympathy, encouragement and, when needed, material assistance to all deserving or worthy volunteer groups. When it comes to an actual Government role in such activities however, I feel that there are dangers inherent which require a much closer scrutiny before taking action. There is the very real possibility that the extension of Federal jurisdiction, and the concomitant spread of bureaucracy which accompanies this extension, will lead to a diminution of the very commodity which the Government has intended to promote—the zeal of the individual volunteer.

There are certain areas of human endeavor which are strongly associated with individual emotion and feeling, and in which Government supervision would be unwarranted, undesired and probably counterproductive.

Volunteer service is the donation of individual time in a worthy cause. Philanthropy is the donation of another human resource, if a more tangible one, to a worthy cause. Yet, I am sure my colleagues would recognize the overwhelming opposition that would arise from this body should the President have suggested that the Government organize a new umbrella agency, perhaps named GIVING, which will coordinate all philanthropic activities and also assist in encouraging greater contributions from the American people. We would, of course, be appalled. But yet, is not our time even a more precious commodity than money, and would not an individual have as much hesitation in committing his leisure hours to a general multipurpose organization as he would his financial resources? I think so, and while I recognize that the Government does have a better claim to the regulation of volunteer time which is under the auspices of Government agencies, as these are, I maintain that the general maxim still holds true. To encourage volunteers, as the Peace Corps found out in its early days of experimentation, a motif which is both unbureaucratic and individualistic is needed. A successful recruitment campaign must be based on projecting a certain image for the program, and I can not imagine, given the varying nature of these present programs, just what that image will be. I can imagine that, through nationwide advertising campaign of sufficient professional caliber, that many names could be collected as potential Action corpsmen and women. However, I strongly doubt that this type of volunteer would generally be as effective as one who had responded to a specific cause or a specific appeal toward which he felt strongly.

For the older person who wants to be a foster grandparent, the younger person who wants to serve in the Peace Corps, the person who wants to help people in the ghetto—indeed, for the businessman who in his retired years wants to be an active volunteer—such bureaucratic complexity, I fear, would spell the defeat of their objectives, of getting out there and helping people.

Mr. President, I am grateful for the contribution made by our able colleague, the Senator from Arkansas, the chairman of the Committee on Foreign Relations, who has simplified—I was about to say "the absurdity of this approach," but at least the premature approach that is being presented to the Senate with this reorganization plan.

Mr. FULBRIGHT. I thank the Senator.

Mr. PERCY. In conclusion, I should like simply to quote the final paragraph of the committee report. We indicated that unless the administration can enlist from the outset the support, energies, and input of those who have served in these programs and have been served by them in the field, the program would not be as successful as otherwise.

> The committee is satisfied that these requirements will be respected and the committee therefore recommends that Reorganization plan No. 1 of 1971 be approved.

I was thoroughly convinced, as a result of the testimony, that this was in the national interest and would serve the national purpose; that, in the spirit of de Tocqueville, voluntarism in America

can be carried forward best under Action rather than any other way.

The PRESIDING OFFICER. The Senator from New Jersey has 1 minute remaining.

Mr. WILLIAMS. I would yield that time to the Senator from Illinois. I think we transgressed on some of his time. In the spirit of generosity, I volunteer to offer this time to him.

Mr. PERCY. In equal generosity, I yield back such remaining time as we have, so that we can carry on with the Senate's business.

However, I thank my distinguished colleague, indeed, for the valuable contribution he has made.

Mr. TUNNEY. Mr. President, I am opposed to the proposed reorganization plan now before us to merge the Peace Corps, VISTA, SCORE, ACE, NSVP, RSVP, and the foster grandparents programs into one agency. My opposition is somewhat reluctant, because I am strongly in favor of reorganization of the executive branch to streamline and promote economy in Government. I am firmly convinced that a consolidation of Government efforts in areas where it is appropriate is a matter of high priority.

Nevertheless, having reviewed the arguments in favor of the present reorganization plan, I cannot support it.

Frankly, the basis of my opposition is my concern that lumping all of these very excellent volunteer programs into one body will do nothing to increase the services such programs provide to the poor and needy of this country and others. In fact, I am afraid it could have just the opposite effect—that it could increase the possibility that political controversy may intervene in the administration or expansion of efforts on behalf of the poor.

I speak, as many of my colleagues are well aware, from a rather persuasive history in California—that is the CRLA legal services program. Despite all of the assurances of the administration spokesmen on this reorganization plan, the fact remains that at this moment one of the most successful and highly praised legal services programs in the country remains threatened with extinction simply because the Governor of California pulled some political rank.

Unless and until the commitment of the Nixon administration is a great deal clearer than it is now, I cannot support a measure that carries with it the risk that VISTA or the Peace Corps or any other program could be downgraded or dismantled by a barely visible shift of emphasis within some amorphous agency. It is not at all unlikely or impossible that this consolidation could enable a very drastic shift in manpower, money, and emphasis away from poverty programs in a manner that is presently impossible. In fact, the very success of these programs, I believe, is in large measure the result of their highly visible and independent nature.

I suggest to my colleagues in this connection that the acid test of that fundamental commitment is coming very shortly. Within the next month or so, the OEO Commission To Investigate CRLA will issue its findings. I have absolutely no doubt that it will confirm the high praise which that program has received for many years from all competent observers. And at that point the test will come—will the Presiedent stand firm in support of such programs for the poor, or will he disregard the Commission's report and give CRLA the fast shuffle?

The response of the President on that issue, I believe, will give the true measure of the commitment in the executive branch to volunteer programs for the poor.

Yet even beyond this point, on the merits of the plan itself I have serious questions. The heart of any volunteer program is the volunteers themselves and the esprit de corps which they have. And the record on this point is quite persuasive. Volunteers past and present, organizations representing such volunteers, and former officials of the Peace Corps and VISTA have all indicated strong opposition to the plan. There is a very real and, I feel, legitimate fear by these persons that there will be a loss of identity and independence by such programs as the Peace Corps and VISTA.

In fact the whole rationale for consolidation seems questionable. The only common thread between these many programs is the fact that they are all staffed by volunteers.

Yet these programs deal with a vast and complicated range of problems from business advice to fledgling businesses to medical help to the sick in a foreign land. I am afraid that the amalgamation of all of these programs as this plan proposes will only operate to impose an additional layer of screening and decisionmaking and an unfortunate competition for attention and funds within the super agency. Mr. President, it may well be that some so-called "inefficient" independence is essential to preserve the very heart of these programs.

Finally, it seems to me that one of the most essential elements of a successful volunteer program is the kind of highly idealistic spirit which has marked these programs in the past. I am reluctant to take any step which would dampen that enthusiasm and idealism and I am afraid that this plan would have precisely that effect. We ask our young people to work within the system, to channel their great energy and idealism to better society from within. We have given them the right and the responsibility to vote, and we ask them to exercise that right to bring about the changes they seek by responsible means. And here they are doing precisely what we have asked. They have come to us in the Congress and told us that this plan will hinder rather than help their attempt to work within the system. I think we should listen to them now.

Mr. HART. Mr. President, we are being asked by the Executive to support a reorganization plan that does not comply with three of the six guidelines specified in the act giving the President the power of executive reorganization. It has not been demonstrated that this reorganization will reduce expenditures and promote economy; it does not group, coordinate and consolidate agencies and functions according to major purposes; and it does not reduce the number of agencies by consolidating those having similar functions under a single head.

The grouping together of disparate volunteer programs, which appeal to different age groups and differently motivated people of different background and experience, for participation in programs with very different purposes, in my view fails completely to meet the specific criteria of the reorganization act.

Foster grandparents—elderly poor who assist needy children—Service Corps of Retired Executives—retired businessmen who assist small businessmen—and VISTA volunteers—working in domestic poverty areas—do not have similar functions and are not engaged in similar purposes.

Those who would seek to make of voluntarism a reason for throwing these programs and five more into one agency, mistake the means for the end. Because a program uses volunteers to help small business, is no reason to wrench it from the Small Business Administration and put it under a common umbrella with VISTA—a program using volunteers among the domestic poor, which for its part has logically been allied with the antipoverty agency, OEO.

Many of us who fail to find logic or substantive facts in Reorganization Plan No. 1, as presented to the Congress, and who have not been reassured by the hearings on the plan, are particularly concerned about the impact of this proposal on the domestic poverty program.

The surfacing of a prebudget planning memo, written last January by an OEO official, noted that the termination of VISTA would be politically unwise and advocated instead a much broader governmental reorganization in which both VISTA and the Peace Corps could be eliminated. It would seem clear that what is here proposed is none other than this much broader governmental reorganization.

Witnesses before the Senate committee have denied any intent to water down the VISTA program or alter its mission. To date, Mr. President, I am not convinced. I fear that under new management its approach will be changed from that of working with the poor, finding out their needs and seeking to help them meet those needs, to one of taking programs to the poor; from one of helping develop local leadership among the poor, to one of appealing for massive volunteer service to the poor.

In the name of efficiency, we are asked to approve a reorganization plan which does not give evidence of saving money—indeed, the President in his message says that—

> It is not practical, however, to itemize or aggregate the exact expenditure reductions which would result from this action.

We are asked to join together programs which are diverse. We are asked to do so despite the opposition of those now participating in these programs and

who were not consulted abut the reorganization. And we are asked to do so in the face of forewarning that this action may change fundamentally the present approach to the domestic poverty program. I cannot support such a move.

ACTION REORGANIZATION

Mr. CRANSTON. Mr. President, tomorrow the Senate will vote on Senate Resolution 108, a resolution of disapproval to Reorganization Plan No. 1, which would merge several so-called voluntary action programs into a single new agency called Action. I have cosponsored this Resolution of Disapproval with Senator WILLIAMS, chairman of the Labor and Public Welfare Committee and principal sponsor several years ago of legislation to create a national service corps, because I share his deep misgiving about this particular plan.

In the past weeks I have heard from many of my constituents who serve in those programs slated to be merged next month. Not one favors the plan. I think it is very significant, Mr. President, that those who are most closely committed to and involved in these programs have themselves been so vocal in their opposition to the reorganization.

I submit for the information of my colleagues examples of the kind of correspondence I have been receiving, including letters from Bernard E. Nash, executive director of the American Association of Retired Persons and the National Retired Teachers Association, from VISTA Volunteers John and Cindi Adsit—constituents of mine who are working with the poor in Prescott, Ariz.—and from Christine L. Van Pelt, a constituent of mine who is serving with VISTA in Nashville, Tenn.

These people express cogent reasons for requesting that Reorganization Plan No. 1 be disapproved. Mr. President, I ask unanimous consent that their letters be printed in the RECORD at this point.

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

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION
Washington, D.C., March 24, 1971.

Hon. ALAN CRANSTON,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: It is part of our country's social policy to give priority to employment rather than to welfare as a means of relieving poverty and hardship. The Foster Grandparent Program does exactly this! It provides part-time opportunities with pay for low income persons of 60 or more years. They render service to children with special needs. Foster grandparents work with these children in hospitals, homes for dependent and neglected children, and institutions where children require individual attention. The Foster Grandparent Program provides the older citizen with low income an opportunity to supplement his resources and to gain recognition as he is involved and contributes to the community. Children benefit emotionally and medically from the program. The person to person attention that even the best of institution housing cannot provide, has brought dramatic and significant results.

At present there are about 9 million of the 24 million people over 60 years of age below the official poverty level. Approximately one-third of these are able, willing and ready to do at least part-time work. Foster grandparents work two hours for five days a week with each child.

It has come to our attention that the administration reorganization plan has proposed to remove the Foster Grandparent Program from the Office of Aging and place it in the new Volunteer Agency. Such a move would seriously hinder the effectiveness of the program. This is not the time to discourage our communities by neglecting to provide resources and programs to deal with the needs and problems of the 20 million older American citizens. Of equal concern are the children with special needs who benefit from such a program. We respectfully urge you to voice your personal strong opposition to this proposal. Enclosed you will find a copy of a letter sent to Mr. Rumsfeld which may be of interest to you. We will be so happy to supply you with background material.

Sincerely,

BERNARD E. NASH,
Executive Director.

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C., March 5, 1971.

Hon. DONALD RUMSFELD,
Counselor to the President,
The White House,
Washington, D.C.

DEAR MR. RUMSFELD: In a recent conversation with your Deputy, I was requested to put on paper some concerns and recommendations I made relative to the Foster Grandparent Program.

I am sure you are familiar with this Program since it was originally funded by the Office of Economic Opportunity. As you know, it was subsequently given to the Administration on Aging to administer and has been one of the most successful programs launched by OEO. It has had a significant impact on older persons who serve as Foster Grandparents, on the children living in institutions, hospitals, and other group facilities where the Foster Grandparents serve, and on the institution and the community in which the programs are located. I am sure you are aware that the program has been researched by the University of Utah Medical School, the University of Oklahoma School of Education, the Sociology-Economic Department of North Texas State University, by Greenleigh Associates and by the Merrill-Palmer Institute in Detroit, Michigan. All have arrived at the same conclusions regarding the significant impact on both the young and the elderly. Japan sent a television crew to the United States to study social programs here and one of those was the Foster Grandparent Program. England has conducted a seminar on the potential for organizing such a program in that country. It has been written up in Look Magazine, in the Reader's Digest, and has been discussed on the Today Show, the Merv Griffin Show, and others.

The Program has great public appeal as well as being a significant asset for both treatment and prevention in the child welfare and Aging field. Many Members of Congress have visited programs in their States and have praised it on the Floor. Persons such as John Tower, Charles Percy, Everett Dirksen, Hubert Humphrey, Fred Harris and others have had personal contact with the Program and gave it unqualified support.

We recently learned of the intended transfer of this Program from the Administration on Aging to the new National Voluntary Agency. We have further learned that there is presently no plan to develop a special unit within the new agency to deal specifically with programs utilizing the older person. We feel this is a grievous mistake and will be a great loss for the Nation and for the children being served by older persons in any of the programs. It is especially serious in the Foster Grandparent Program since the entire concept of Foster Grandparents was to provide children in the preschool years with an adult who had the time to give them individualized attention and to assist them in the process of early development. This of course is critical in an institutional setting where the pressures on staff are so great that they must devote most of their time and energies to maintenance and discipline. The entire institutional routine is designed for efficiency and economic operation. The children eat by the bell, go to sleep by the bell, and behave as a member of the herd. This does not make for the development of strong, healthy adult Americans. The Foster Grandparents are assigned two children and work with these same two youngsters four hours a day, five days a week. Their job was to assist them in the process of socialization and acculturation. They used the elderly poor. Their love and their affection for these children was contagious. Dramatic results occurred. Doctors and hospitals said that their little patients were recovering faster. Directors of institutions for the mentally retarded found that they were able to release children back to the community or even discovered that some of these children were indeed not mentally retarded but socially retarded. Thus we saved the country thousands of dollars from lifetime institutional care of such poorly-diagnosed individuals. Dr. J. Iverson Riddle, Director of the Western Carolina State School did a cost benefit study for a period of one year. He found that the tangible, measurable benefits of the Program are twice the amount that the project itself cost. He pointed out a savings of some $131 thousand where the actual outlay for the Program was $69 thousand. Other similar reports have been made by directors of other institutions, day centers, school programs, etc. utilizing the elderly to work with the young. In addition, it was found by the Utah Medical School that the older individuals serving as Foster Grandparents were sleeping better, eating better, using less medication, and had less health care cost.

Are these not the goals we are seeking for both the children and the older adults in the various programs funded by the Federal Government?

Mr. Rumfeld, before any decision is made with respect to the changing of the format or the decreasing of the funding for this Program, a very serious study should be given to the future impact of such decisions. We believe that the Program should not be taken from the Administration on Aging where there is already a qualified staff and administrative structure for assuring that the concept itself is not destroyed. If transferred to another agency principally concerned with utilization of manpower, the treatment and preventive aspects of the Program could well be lost. If transferred to another agency, it may be necessary for duplicating the employment of qualified staff who are advocates and specialists in dealing for and with the older American.

I would like to have the opportunity to discuss in greater detail with you this decision. I assure you that our intentions are for the best Program possible for the Federal dollar expended. We believe there is considerable political and economic and social value in maintaining the Program as it is and even greatly expanding it.

May I have the opportunity to discuss this

with you further? Since I was the person who came to Washington in 1965 to work with OEO to establish this program, I may be considered to have a vested interest in its continuation. Please be assured that I have no intent other than seeing to it that this Administration fully recognizes the present and potential impact of the Program and does what is best for both the Program and the Administration in any decisions relative to reorganization.

Sincerely,

BERNARD E. NASH,
Executive Director.

APRIL 12, 1971.

Senator ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR MR. CRANSTON: My wife and I are Vista Volunteers in Prescott, Arizona. Our permanent home is in California. We are writing you to express our deep concern over the present Administration's plans for reorganization of volunteer programs within the federal government. As you, hopefully, are aware the President's plans to consolidate the Peace Corps, Teacher Corps, Vista plus other miscellaneous volunteer programs in various different federal agencies. If the plan is not acted upon negatively by Congress within 60 days (as of March 24) it goes into effect automatically. In other words, if Congress fails to bring the issue up, it will be enacted simply by Congressional inaction or apathy. This possibility disturbs us greatly because some very important issues are involved that ought to be debated and voted upon.

The Administration's expressed goals for this reorganization are six: 1) to expand testing and development of innovations in volunteerism; 2) to allow part-time and full-time volunteers to work together; 3) to bring together programs that appeal to the young and older Americans both; 4) to allow intercooperation between foreign and domestic volunteer services; 5) to better distribute professional skills; 6) and to centralize for more effective recruitment, training, placement, communication, and management.

Let me relay our concerns for each of these goals and then to the total concept itself.

The first goal is one of innovation, which is in itself a viable goal; but, we question the assumption that centralization facilitates innovation. Centralized organizations from past experience seems to tend toward the opposite of innovation, stagnation. It may be said though that centralization aids intercommunication of new ideas. But that seems to call for a clearing house type of organization, not an umbrella type that the President is asking Action to be.

The second goal is the use of part-time and full-time volunteers, again an admirable end. But is centralization necessary to achieve it? Each existing organization could recruit and coordinate part-time help if funded to do so.

The third rationale used is to be a generation gap bridger. It has been my personal experience that the existing volunteer program are not segregated by age. As a Vista volunteer I've worked with Vistas of all ages in training and on projects. The Peace Corps itself is emphasizing experience and is mixing more and more diverse ages. Once again I feel I've failed to see the need of centralization to achieve, in this case, something that already is in existence.

The fourth is that of sharing foreign and domestic experiences. Presently, the organizations of Vista and Peace Corps are intertwined in the sense that each is infiltrated by representatives of the other. Most of our training staff were ex-Peace Corps or Vista volunteers. Our present program officer was himself a Peace Corps volunteer. The intercommunication therefore exists to some extent. If it is needed to be increased, why not strengthen present relationships?

The last two goals come together in the theme better, more effective recruitment, training, and placement of volunteers. Interesting enough, Mr. Blatchford the proposed Action director, himself, in a Press interview stressed that, "This is not something which is motivated by means of strictly efficiency and better organization," but, "the emphasis is really on putting more money behind more volunteers,"—expansion. The discrepances apparent in these statements astound us. As a case in point, Vista presently is decentralized into eleven regions that train and place its own volunteers. Still the bureaucratic hang-ups are at times unbearable. The support from above is sporadic and unreliable. The result is at times volunteer failure. Vista has realized this and as a result is cutting many programs that don't elicit full community support. It is not expanding, but reverting to a stress on quality. Therefore, from experience further centralization, not regional, not national, but international in its scale seems an absurdity. By simply magnifying our present bureaucratic structure many times over, the possibility of anything being accomplished on a grassroots level is nil.

In looking at the plan in total our fears increase. Having examined its six stated goals, and feeling them to be problems that don't seem to match the chosen solution, we were afraid that the plan had other unstated intentions. The possibilities included: a desire by the Administration to bring volunteerism (youth) under closer control and scrutiny; or a wish by the Administration to decrease-dilute the specific thrusts of the present existing programs (i.e. Vista-poverty). It also disturbs us that the control of the funding of these different thrusts would be moved from Congressional to Executive disgression. This would result from the fact that funding of Action would be a package deal. Interagency distribution would be done by Executive selected directors. Volunteer priorities would be decided by a small group in the Executive Branch.

We feel that Vista itself has adjusted to past failures and inadequacies, which were the result of the initial passion without planning of the War on Poverty. It is just now reaching a point where bureaucratic gaps are decreasing, and projects are becoming clearly planned and supported. If the reorganization occurs the result would be chaos, a set back and loss of past lessons learned. In addition, Action would stress the volunteer aspect of Vista and disregard its poverty purpose by removing it from OEO and its poverty coordination. We feel this would be a tragic move.

Please then consider the implications of this plan that is in the process of being slipped by Congress and the American public. Hopefully you will bring it to the attention of the Senate for discussion and investigation.

Peace,

JOHN AND CINDI ADSIT,
Prescott, Ariz.

APRIL 15, 1971.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am a VISTA volunteer in Nashville, Tennessee. I would like to draw your attention to President Nixon's March 24th message to the Congress in which he proposed a reorganization plan to combine Volunteers in Service to America, Auxiliary and Special Volunteer Programs in the Office of Economic Opportunity, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. This new agency would be called ACTION.

After studying the President's proposal and comparing it with the principles we have followed on the Nashville site, I am convinced the effectiveness of VISTA would be lost if it were to become part of ACTION.

1. VISTA volunteers in Nashville live in the poverty pockets so we grow to appreciate the problems of the poor from the point of view of the poor. The trust and understanding built on all sides would be much harder to establish if we lived outside the neighborhood where we work. There is open resentment toward outsiders who come into a poor neighborhood only occasionally or just during the day.

ACTION would "develop and provide opportunities for more people to give part time service." These part time volunteers would undoubtedly not live in poverty areas, and so the advantages of knowing and living with the poor would be lost.

Part time service may help the poor to a limited extent, but it takes a full time effort to even aim for the elimination of poverty.

2. A major tenet of VISTA is for volunteers to advocate and organize with the poor so community organizations can eventually be managed and controlled by target area residents. As a volunteer, I have seen the slow but democratic process of self-determination of poor people.

VISTA does not concentrate on providing services to the community. Part of the volunteer's job is to foster a more responsive public policy among public agencies and to refer the poor to those who provide public service. This process of education of both the poor and the agencies which should serve them is part of the VISTA volunteer's effort to enhance the independence and motivation of the poor.

ACTION calls for "more Americans to participate in voluntary services," and to become involved in "efforts that show immediate results, that give immediate satisfaction . . ."

VISTA's long-ranged goals would be undercut by ACTION's call for volunteers "sought and supported in the effort to accomplish specific jobs."

3. VISTA is part of the Economic Opportunity Act of 1964 which says its purpose is to "help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement." VISTA is the only organization of those to be merged under ACTION which was explicitly set up to end the poverty cycle by letting the poor define their own problems.

If VISTA were combined with the volunteer agencies to be in ACTION, its coordination with other anti-poverty agencies would be seriously impaired. This seems all the more likely since there would be a common application form and a common recruitment and selection program within ACTION.

President Nixon's Ash Commission, which planned the cabinet reorganization, said agencies should be grouped by function. VISTA, as it presently functions, does not belong with the volunteer service agencies proposed for ACTION, and it would be a disservice to the poor if VISTA were made to fit into ACTION as just another of the service agencies.

VISTA must continue in its present form if it is to be effective.

Sincerely,

CHRISTINE L. VAN PELT,
VISTA volunteer.

My permanent home is Bakersfield, I graduated from UCLA, and I am a California voter.

Mr. CRANSTON. Mr. President, the programs which would ultimately become part of Action—VISTA, the Peace Corps, foster grandparents, SCORE, RSVP, ACE, the national student volunteer program, and perhaps the Teacher Corps—are all successful ongoing programs. I have followed the hearings on Reorganization Plan No. 1, and I am not in any way convinced that the merger of these programs would result in their being more efficient, economical, or effective. Each of these programs is unique. Each serves a different constituency. Each was created for a different purpose—not to promote volunteerism as an end in itself, but to further the programmatic efforts of their parent organizations. Indeed, the effectiveness of each is derived largely from the supportive services offered by the specialized parent organization.

The foster grandparent program, for instance, provides part-time employment opportunities for low-income persons aged 60 and over who are able to provide love and companionship to disadvantaged and institutionalized children. There are 163 foster grandparents sponsored by three community action agencies in California—at San Francisco, Stockton, and Pomona. Foster grandparents in San Francisco receive supplements to their income by working with children in eight institutions throughout the city. In Stockton, they work with the California Youth Authority, and in Pomona, they give affection and care to mentally retarded children at the Pacific State Hospital.

Foster grandparents is not a volunteer program. It was initiated by the Office of Economic Opportunity in 1965 as an income-supplement program for low-income senior citizens. Congress, in 1969, determined that it should be transferred to the Administration on Aging in HEW where it could receive the supportive services which many of the low-income elderly participants need. As Mr. Nash has pointed out, those in foster grandparents believe in the wisdom of this action by Congress, and urge that it not be altered.

It was VISTA which was conceived as the volunteer arm of the poverty program. Created to provide manpower to supplement the OEO effort, VISTA, more than any other antipoverty program, represents the human dimension in the Government's effort to help the poor help themselves. To remove this supplement from OEO could only hamper that agency in realizing its most highly sensitive, people-oriented, mission.

Let me speak for a moment of VISTA in California. There are 198 VISTA Volunteers working on 25 projects in my State. It is likely that many of the volunteers here would never have become involved in these antipoverty programs had they not been exposed to the Office of Economic Opportunity. An example of this is Community VISTA Volunteers like the 18 former prisoners assigned to the California Department of Corrections in Oakland who counsel and provide referral services to those still in prison. Or the 16 VISTA Community Volunteers assigned to RAP in San Francisco who provide "real alternatives" to detention and juvenile delinquency by acting as and recruiting big brothers and sisters for ghetto youth.

These are not the middle class youth who would have the luxury of offering their services to a Volunteer Agency named Action. These are low-income individuals who, through their experience with local poverty programs, came to join VISTA. The establishment of Action through approval of this Reorganization Plan would, I fear, result in the end of this kind of antipoverty volunteer worker. I for one am not willing to approve such a plan.

Furthermore, my colleagues in both Houses of Congress agree that events prior to the President's Nebraska speech indicate the administration's lack of commitment to the continuance of this fine program. I share the concern of VISTA volunteers who fear that the full-time volunteer engaged in antipoverty efforts will no longer be a reality if Action is not disapproved.

Under Action, the emphasis would be on the volunteer—who he is, what he receives from the program—rather than on the value and success of the program—assistance to the poor and the disadvantaged child, for example. Substantive programs submerged under Action would in my judgment be more susceptible to dilution and diminution than they are in their present mission-oriented structure and approach.

It is my belief that it would be imprudent and unwise to approve a platitudinous and very vague reorganization plan, the specifics of which would be worked out only by legislation not yet presented to Congress.

Mr. President, these are fine programs with fine participants which this plan proposes to juggle. We owe it to them, to those whom they serve, and to the dedicated individuals who are fighting to preserve the integrity of these programs to vote "aye" on Senate Resolution 108.

THE MILITARY SELECTIVE SERVICE ACT

The Senate resumed the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. BYRD of West Virginia. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 106 to amendment No. 76 to H.R. 6531.

Mr. BYRD of West Virginia. Is the Senate operating under controlled time?

The PRESIDING OFFICER. The Senate is operating under controlled time.

Mr. BYRD of West Virginia. Mr. President, on behalf of the able Senator from Mississippi (Mr. STENNIS), I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

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.

THE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. and immediately following the recognition of the two leaders under the standing order, the able and distinguished junior Senator from South Carolina (Mr. HOLLINGS) will be recognized for not to exceed 15 minutes; following which there will be a period for the transaction of routine morning business not to extend beyond 11 a.m. with statements therein limited to 3 minutes.

At 11 a.m. the Senate will proceed to vote by rollcall on Senate Resolution 108, a resolution to disapprove Reorganization Plan No. 1. At the conclusion of the rollcall vote on Senate Resolution 108, the Senate will resume its consideration of Amendment No. 106, the so-called Hatfield amendment to H.R. 6531, and during the remainder of tomorrow debate will ensue thereon with time controlled.

At the conclusion of business tomorrow, the Senate will stand in adjournment until 10 o'clock a.m. Friday, June 4.

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 3, 1971, at 10:30 a.m.