# SENATE—*Wednesday, June 30, 1971*

The Senate met at 11 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:

Eternal Father, make us mindful of the priceless gift of freedom, bestowed by Thee upon man at creation, and in this land assured by a government of the people, by the people, and for the people.

As we make ready for the day of sacred remembrance, we pray Thee to give this land a new birth of freedom. Enable us so to live that this Nation may remain a beacon of hope for freedom-seeking peoples of the whole world.

"Our Father's God, to Thee
Author of Liberty, to Thee—we sing:
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King." Amen.

## CALL OF THE ROLL

The PRESIDENT pro tempore. The Senate having adjourned in the absence of a quorum on yesterday, June 29, 1971, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 134 Leg.]

| | | |
|---|---|---|
| Allen | Ellender | Randolph |
| Bentsen | Griffin | Schweiker |
| Bible | Hughes | Scott |
| Burdick | Jackson | Tunney |
| Byrd, W. Va. | Mansfield | Young |
| Cook | Montoya | |
| Cotton | Pastore | |

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Montana (Mr. METCALF), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE), is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Nebraska (Mr. CURTIS), the Senator from Vermont (Mr. PROUTY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The PRESIDENT pro tempore. A quorum is not present. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

| | | |
|---|---|---|
| Aiken | Hansen | Nelson |
| Allott | Harris | Packwood |
| Baker | Hart | Pearson |
| Bayh | Hartke | Pell |
| Beall | Hatfield | Percy |
| Bennett | Hollings | Proxmire |
| Boggs | Hruska | Ribicoff |
| Brock | Humphrey | Roth |
| Byrd, Va. | Javits | Smith |
| Cannon | Jordan, N.C. | Sparkman |
| Case | Jordan, Idaho | Spong |
| Chiles | Kennedy | Stennis |
| Church | Long | Stevens |
| Cooper | Magnuson | Stevenson |
| Cranston | Mathias | Symington |
| Dole | McClellan | Taft |
| Dominick | McGee | Talmadge |
| Fannin | McGovern | Thurmond |
| Fong | McIntyre | Tower |
| Fulbright | Miller | Weicker |
| Gambrell | Mondale | Williams |
| Goldwater | Moss | |
| Gurney | Muskie | |

The PRESIDENT pro tempore. A quorum is present.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the journal of the proceedings of Tuesday, June 29, 1971, be dispensed with.

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

## EULOGIES TO THE LATE HONORABLE ROBERT J. CORBETT, OF PENNSYLVANIA

Mr. JORDAN of North Carolina. Mr. President, may I call to the Senate's attention that the closing date for submitting eulogies in the RECORD to the late Representative Robert J. Corbett, of Pennsylvania, has been set for Friday, July 9, 1971. This will be the last date for all RECORD insertions that will make up the compendiums of eulogy for this Member of Congress who, but for his untimely passing, would now be serving in the 92d Congress.

## REFERRAL OF S. 1799 TO COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1799, which has been referred to the Committee on Commerce, be referred to the Committee on Post Office and Civil Service instead.

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

## EXECUTIVE SESSION

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

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

The PRESIDENT pro tempore. The first nomination will be stated.

## FEDERAL HOME LOAN BANK BOARD

The legislative clerk read the nomination of Carl O. Kamp, Jr., of Missouri, to be a member of the Federal Home Loan Bank Board.

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

## DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of Robert F. Froehlke, of Wisconsin, to be Secretary of the Army.

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

## U.S. AIR FORCE

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

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

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

## U.S. NAVY

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

Mr. MANSFIELD. Mr. President, I make the same request.

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

## DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina.

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

## INTERSTATE COMMERCE COMMISSION

The legislative clerk proceeded to read the nominations in the Interstate Commerce Commission.

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

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

## DEPARTMENT OF TRANSPORTATION

The legislative clerk read the nomination of John W. Barnum, of New York, to be General Counsel of the Department of Transportation.

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

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

The PRESIDENT pro tempore. Without objection, the nominations placed on the Secretary's desk in the Air Force and in the Army are confirmed en bloc.

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

The PRESIDENT pro tempore. Without objection, the President will be so notified.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar Nos. 236, 237, and 238.

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

## SUSPENSION OF DUTIES FOR METAL SCRAP

The bill (H.R. 7767) to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–244), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 7767 is to continue to the close of June 30, 1973, the existing suspension of duties on certain metal waste scrap, provided by item 911.12 of the Tariff Schedules of the United States.

GENERAL STATEMENT

Legislation for the temporary suspension of the duties on various metal scrap was first enacted in 1942 (Public Law 497, 77th Congress, act of March 13, 1942, 56 Stat. 171). With various changes the suspension was continued from time to time depending upon the scarcity of the particular metals at the time.

This bill would continue for 2 years (until July 1, 1973) the temporary suspension of the duties on certain metal waste and scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States, principally such metal scrap as iron and steel, aluminum, magnesium, nickel, and nickel alloys. As before, the bill would not suspend the duties applicable to waste and scrap of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy, nor would it suspend the duties applicable to articles of lead, lead alloy, zinc, zinc alloy, tungsten or tungsten alloy.

ARTICLES TO WHICH BILL APPLIES

Item 911.12 of the Tariff Schedules of the United States applies to—

(1) Metal waste and scrap (provided for in part 2 of schedule 6 of the schedules), except copper, lead, zinc, and tungsten waste and scrap;

(2) Unwrought metal (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (a) which are defective or damaged, or have been produced from melted-down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying; and (b) which cannot be commercially used without remanufacture;

(3) Relaying or rerolling rails; and

(4) Articles of metal to be used in remanufactured by melting (except articles of lead, zinc, or tungsten, and not including metal-bearing materials provided for in schedule 4 or in part 1 of schedule 6 of the schedules, and not including unwrought metal provided for in part 2 of schedule 6 of the schedules).

BACKGROUND INFORMATION

Scrap of various nonferrous metals, whether imported or of domestic origin, may be considered for most purposes simply as relatively small components in the total U.S. supplies of the respective metals, although some manufacturers depend wholly on metal scrap as a source of raw material. The relation of iron and steel scrap to the total supplies of iron and steel is somewhat different from that existing with respect to nonferrous metals. This is because the economical production of steel by the open-hearth process requires that part of the iron-bearing materials used consist of heavy melting scrap. Thus, much iron and steel scrap constitutes a material important to the domestic production of steel. Despite the fact that imports of scrap metals have not in the past few years constituted important components of the total supplies of the various metals, the imports in some cases have represented important sources of the metals for limited numbers of consumers of such metals in some sections of the country.

The rates of duty on the principal types of ferrous and nonferrous metal scrap the suspension of which would be continued by the bill, are shown in the following table:

| Type of scrap | Item number | Rate of duty |
|---|---|---|
| Iron and steel | 607.11 or 607.12 | 7 or 22 cents per long ton plus additional duties on alloy content. |
| Aluminum | 618.10 | 0.9 cents per pound. |
| Nickel and nickel alloy. | 620.02 | Free. |
| Tin and tinplate | 607.10 or 622.10 | Do. |
| Magnesium | 628.55 | 24 percent ad valorem. |

Other metal articles not considered scrap within the meaning of the tariff classifications but imported to be used in manufacture by melting are also exempt from duty items 911.10 to 911.12 of these schedules. Such articles would be dutiable, in the absence of special legislation, at various rates too numerous to mention in this report.

EFFECT ON THE REVENUES OF THE BILL AND VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the effect on the revenues of this bill. The committee estimates that the extension of the existing suspension of duties on metal waste scrap, et cetera, provided by the bill will not result in any additional revenue loss, or administrative costs.

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the following statement is made relative to the vote by the committee on reporting the bill. This bill was ordered favorably reported by the committee, without objection.

The committee has received no information which would indicate any opposition to the legislation. Moreover, the committee is informed that the conditions which prompted the initial suspension of duty on metal scrap and the continuations thereof to the present time have not materially changed.

The committee urges the enactment of H.R. 7767.

## AMENDMENT OF RENEGOTIATION ACT OF 1951

The bill (H.R. 8311) to amend the Renegotiation Act of 1951, to extend the Act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–245), explaining the purposes of the measure.

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

I. SUMMARY

The Renegotiation Act of 1951, as amended, authorizes the Government to recapture excessive profits on certain Government contracts and subcontracts. In the absence of legislation, this act will expire as of June 30, 1971. H.R. 8311 extends the act for 2 years, or until June 30, 1973.

The bill also amends the Renegotiation Act in two other respects. The first amendment deals with interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous. In these cases the bill provides for flexible interest rates to be determined by the Secretary of the Treasury (at 6-month intervals) on the basis of current commercial rates at the time of the excessive profits determinations. The second amendment provides the U.S. Court of Claims with exclusive jurisdiction over redeterminations of excessive profits determined by the Renegotiation Board. The U.S. Tax Court up to this time has had jurisdiction of these cases.

The bill also makes two minor changes in the present law provisions relating to the U.S. Tax Court. Present law is modified to make it clear that judges who have retired from active duty can be immediately recalled for judicial duty. The bill also provides that their salary base period, for purposes of computing survivors' annuities, is to be the period of 5 consecutive years in which the judges receive the largest amount of compensation for their services.

II. GENERAL STATEMENT

A. RENEGOTIATION

1. THE RENEGOTIATION PROCESS

The Renegotiation Act of 1951, in general, provides that the Renegotiation Board is to review the total profit derived by a contractor during a year from all of his renegotiable contracts and subcontracts in order to determine whether or not this profit is

excessive.[1] The Board is empowered to eliminate those profits found to be excessive in accordance with certain statutory factors. Thus, renegotiation is determined not with respect to individual contracts but with respect to all receipts or accruals from renegotiable contracts and subcontracts of a contractor during a year. These contracts vary in form from cost-plus-fixed-fee to firm fixed-price contracts. Some may be prime contracts, while others are subcontracts, and they may be concerned with many different services and products. With respect to any given year they may also reflect only partial payments made on the contracts.

For purposes of renegotiation, profits generally are defined and determined in much the same way as for tax purposes. This similarity is also reflected in that provision is made in renegotiation for a 5-year loss carryforward, as well as the offsetting of losses and profits on different contracts within the year.

The Act provides, in general terms, that the Renegotiation Board in determining whether the profits are excessive is to give favorable recognition to the efficiency of the contractor with particular regard to attainment of quantity and quality production, reduction of costs, and economy. The Board must also consider the reasonableness of costs and profits, the net worth (with particular regard to the amount and source of public and private capital employed), the extent of the risk assumed, the nature and extent of the contribution to the defense effort, and the character of the business. Thus, in effect, the Board in its judgment must consider all of these factors, and the producer, where these factors are present to the greatest extent (e.g., is most efficient or make the greatest contribution to the defense effort), is permitted to retain more profit than the producer who satisfies these factors to a lesser extent.

Various types of contracts are excluded from the Act; some on a mandatory and others on a permissive basis. The mandatory exemptions include contracts with a State, local, or foreign government, those dealing with certain agricultural commodities, those dealing with minerals and related products, those with certain regulated common carriers or public utilities and those for standard commercial articles or services.

2. TWO-YEAR EXTENSION OF THE ACT

In the absence of legislation, the Renegotiation Act will expire as of June 30, 1971. The committee agrees with the House that in view of existing international conditions, the continuation of the Renegotiation Act is in the national interest. The renegotiation process allows an after-the-fact review of the profits on renegotiable contracts and subcontracts relating to the national defense and space efforts. This is a renegotiation of a contractor's fiscal-year aggregate profits on these contracts; thus, it is completely different from price adjustments or redeterminations with respect to individual contracts. The renegotiation process therefore provides a further check on the reasonableness of the prices (and the related overall profits of the contractor) that the Government has to pay in order to maintain its defense commitments.

Modern military and space procurement is characterized by changing technical requirements and increasing complexity. The nature of the procurement often means that there is a lack of established market costs or prices to guide procurement officers. Accordingly, negotiated contracts are used for the bulk of the dollar amount of these procurements. This includes contracts negotiated with sole-source suppliers as well as contracts negotiated with some degree of market price competition. Negotiated Department of Defense military contracts accounted for 89 percent of the value of the Defense Department's military procurement in fiscal 1970, which was a continuation of the increase in percentage from 82 percent in fiscal 1965 to 87 percent in fiscal 1967. In addition, negotiated NASA contracts represented 99 percent of the value of NASA's procurement in fiscal 1970 as compared to 91 percent in fiscal 1961.

A second factor which indicates the need to extend the Renegotiation Act is the continued high level of defense-related procurement during 1968–70. Total military procurement rose from $28 billion in fiscal 1965 to a peak of $44.6 billion in fiscal 1967, military procurement then declined slightly to $43.8 billion in fiscal 1968, to $42 billion in fiscal 1969 and to $36 billion in fiscal 1970. Although the military procurement level has declined somewhat during 1968–70, the level of overall defense-related procurement is expected to remain relatively high. Moreover, in view of the normal timelag between the time a contract is awarded and the time renegotiation filings are made with respect to the contract or subcontract, the amounts from military procurement awards made during the peak of the Southeast Asia conflict will continue to be reported in Renegotiation Board filings during the next 2 years. For example, although total military and space procurement has declined since fiscal 1967, the level of renegotiable sales filed with the Board increased substantially from $33.1 billion in fiscal 1967 to $48.5 billion in fiscal 1969 and $48 billion in fiscal 1970. The timelag also is reflected by the increase in the number of above the $1,000,000 floor filings received by the Board—from 3,737 in fiscal 1967 to 5,030 in fiscal 1969 and 5,085 in fiscal 1970. Furthermore, the level of excessive profit determinations made by the Board has risen during this period—from $16 million in fiscal 1967 to $21.4 million in fiscal 1969 and $33.5 million in fiscal 1970.

The committee agrees with the House that in view of the extent of our defense effort and the nature of much of defense and space-related procurement, the Renegotiation Act should be extended for a 2-year period, from June 30, 1971, to June 30, 1973. The 2-year extension is in place of the permanent extension recommended by the administration. The nature of the renegotiation process and its inherent reliance on human judgment are factors that lead the committee to consider it desirable to have periodic congressional review of the renegotiation process. The 2-year extension of the Act will give Congress another opportunity to review the renegotiation process and the impact of the military procurement buildup in recent years on defense and space-related profits.

In connection with this extension of the Act, the committee has considered the matter of fiscal year renegotiation. Although renegotiation is conducted on a fiscal year basis, in some cases events occurring in other years are taken into account to improve equity. For example, a contractor may incur high startup costs under a long-term contract and as a result realize deficient profits on his aggregate renegotiable business in the early years of the contract. His profits under the contract, however, may be substantially higher in a later year and the aggregate renegotiable profits in that year may be excessive if considered apart from the early years' startup costs, but quite reasonable in view of those costs. To alleviate inequities in this and other situations, the Renegotiation Board uses a variety of methods to adjust the effect of fiscal year renegotiation:

1. By special accounting agreement with the contractor, the Board may permit preproduction or startup costs incurred prior to the year or years of production to be prorated over the period of production.

2. By special accounting agreement with the contractor, the Board may permit a contractor to adopt for renegotiation purposes the completed contract method of accounting for certain contracts to be performed over a period of more than 1 fiscal year.

3. The Board may permit the use of the periodic estimate method of accounting employed by many large defense contractors (notably airframe and missile manufacturers) for Federal income tax purposes.

4. The Board may consider research and development expenses incurred in prior years when these expenses relate to sales in the fiscal year under review.

5. The Board gives consideration to evidence showing risks through actual realization of losses incurred by the contractor in performing contracts in other years similar to the contracts undergoing renegotiation.

6. The Board gives consideration under the risk factor, in the fiscal year under review, to the possible saturation of the contractor's market in subsequent years.

The committee agrees that methods such as these should be utilized to eliminate the inequities which could otherwise follow from conducting renegotiation on a strict fiscal year basis. Moreover, the committee believes that the Renegotiation Board (and the Court of Claims in redetermination cases) should give greater emphasis to the applicability of these various forms of relief. In addition, the committee believes that consideration also should be given by the Board (and the Court of Claims) to certain other situations where a contractor had deficient profits on renegotiable sales in a year or years prior to that under review. Where it can be established that deficient profits in prior years resulted from nonrecurring costs in the early stages of production which relate to production in the year under review, the committee believes the Board (and the Court of Claims) should take this into account in reviewing the contractor's renegotiable business in the year under review. (This is particularly related to the statutory factor of reasonableness of costs and profits.) Thus, for example, labor costs and a proper portion of the related overhead may be high in the early stages of production because of (a) excessive defective work resulting from inexperienced labor, (b) idle time and subnormal production occasioned by testing and changing methods of production, or (c) the cost of training employees. There may also be high material costs due to abnormal scrap losses. Further, there may be instances where deficient profits resulted in prior years from expenses incurred in the design of a product or of special tooling, in the planning of production processes and layout, or in the rearrangement of the contractor's plant, when incurred for a renegotiable contract or contracts. Of course, in evaluating the extent to which items such as these should be taken into account the Board (or Court of Claims) is to consider the reasonableness of the management practices followed.

Circumstances such as those set forth above which can be present under a long-term contract can also be equally present in the case of a series of two or more short-term

[1] Contractors with renegotiable sales exceeding the $1,000,000 statutory "floor" for a fiscal year must file a report with the Renegotation Board. "Renegotiable" contracts and subcontracts are those with the following agencies: the Departments of Defense, the Army, the Navy, and the Air Force, the Maritime Administration, the General Services Administration, the National Aeronautics and Space Administration, the Federal Aviation Administration, and the Atomic Energy Commission.

successive contracts for the production of the same or similar items.

Matters such as those discussed above may well bear on the reasonableness of the contractor's profits in subsequent years and, where they do, they should be taken into account in determining excessive profits for a subsequent year.

3. INTEREST RATES UNDER THE RENEGOTIATION ACT

*Reasons for provision.*—Under present law, a contractor who disagrees with a determination of excessive profits as made by the Renegotiation Board may petition the U.S. Tax Court for a review of the Board's findings. In such circumstances, the Government does not at that time collect the excessive profits as then determined if the contractor (pursuant to sec. 108 of the act) posts a bond which assures payment of any excessive profits as ultimately determined by the Tax Court. Under existing law, interest at the rate of 4 percent accrues on these unpaid excessive profits beginning 30 days after the Board's determination and running until these excessive profits (or any lesser excessive profits as determined by the Tax Court) are repaid. Interest at the same rate also accrues on any additional excessive profits determined by the Tax Court from the date of the determination until the time of the repayment. Interest at the same rate is also payable on excessive profits determined pursuant to agreement where the Board extends the time for payment.

In any of the situations outlined above the contractor has, in effect, borrowed funds from the Government for a period extending from the time of the Board's determination, or the Tax Court's redetermination, to the time when any excessive profits are repaid. Not to charge realistic interest on these unpaid excessive profits tends to encourage the filing of petitions for redetermination with the Tax Court merely in order to secure low-interest-rate "loans" from the Government.

Although a bond must be posted upon petitioning the Tax Court, the bond may represent the deposit of interest-bearing Treasury obligations which do not significantly increase the cost of the "loan" to the contractor.

Accordingly, the committee agrees with the House that the contractor should be required to pay interest on these "borrowed" funds at a rate which is reasonable in light of the prevailing commercial rates of interest for borrowed money. Although the present statutory rate of 4 percent may have been reasonable when it was adopted, it is unrealistic in view of presently prevailing interest levels.

In the reverse situation, if excessive profits as determined by the Board are repaid and subsequently the court determines that there were no excessive profits or that they were less than the amount determined by the Board, it seems equally clear that the Government has, in effect, borrowed money from the contractor for a period extending from the time of the repayment of the erroneously determined excessive profits to the time of the refund. Under existing law, interest at the rate of 4 percent is paid on such refunds. Here too, the committee agrees with the House that interest should be paid on the refund at a rate which is reasonable in light of prevailing commercial interest rates.

*Explanation of provision.*—The bill provides that the rate of interest to be used with respect to excessive profits is to be determined by the Secretary of the Treasury for the 6-month period beginning on July 1, 1971, and for each 6-month period thereafter. He is to determine the rate by taking into consideration current rates of interest on new private commercial loans maturing approximately 5 years in the future. The prevailing rates are to be determined on the basis of interest charges for such loans for a 5-year period because 5 years approximates the average time over which interest payable on excessive profits recovered in the past has been paid.

The rate of interest, determined in the manner provided above, for any particular 6-month period is to apply to all determinations of excessive profits, and to all overcollections of excessive profits, on which interest begins to run in the period in question. The interest rate once determined in this manner with respect to any specific excessive profits determination is to continue unchanged thereafter with respect to those excessive profits. If subsequently in a redetermination there are additional excessive profits, the interest rate applicable to these additional profits is to be the interest rate applicable for the period in which the redetermination occurs.

Under the bill, the new interest rate provision is to apply on to excessive profits determinations made after June 30, 1971, and to overcollections made after that date. The present 4-percent interest rate is to continue to apply to situations in which the determination of excessive profits or the overcollection was made prior to July 1, 1971.

4. TRANSFER OF JURISDICTION OVER RENEGOTIATION CASES FROM TAX COURT TO COURT OF CLAIMS

*Reasons for provision.*—Under present law, in those cases where a contractor on a Government contract (or on related subcontracts) does not agree with a determination of excessive profits made by the Renegotiation Board, he may petition the U.S. Tax Court for a redetermination. In such a proceeding, the Tax Court may determine an amount of excessive profits which is less than, equal to, or greater than the amount determined by the Board.

The committee agrees with the House that for several reasons it is desirable to transfer the jurisdiction over redeterminations of excessive profits to the U.S. Court of Claims. First, the subject matter of renegotiation cases is similar to matters presently being handled in the Court of Claims—for example, actions brought by contractors for refunds in cases involving contracts with the Government. Second, the procedures normally followed in the Court of Claims are believed to be better suited to the process of renegotiation than those which generally prevail in a Tax Court proceeding. It is not unusual, for example, for the Court of Claims to handle cases extending over a long period of time, and for that Court (or a Court of Claims Commissioner) to conduct a lengthy hearing involving a large volume of evidence. Both of these elements customarily exist in a renegotiation case. On the other hand, a Tax Court judge often has a calendar of cases (predominantly tax cases) which must be disposed of as expeditiously as possible, and the technique needed for this type of work is not closely related to the procedures required in renegotiation cases.

Third, the workload of the Tax Court recently has been much heavier than that of the Court of Claims with the result that a shifting of renegotiation cases to the latter should make a substantial contribution to the evening-out of the workload of the two courts. Finally, it is the committee's understanding that both the Court of Claims and the Tax Court believe that this transfer of jurisdiction in renegotiation cases is appropriate.

*Explanation of provision.*—The bill provides that petitions for redeterminations of excessive profits determined by the Renegotiation Board are to be filed with the U.S. Court of Claims, and that the Court of Claims is to have exclusive jurisdiction to determine the amount of excessive profits received or accrued by a contractor or subcontractor in these cases. The Court of Claims may determine that the amount of excessive profits is less than, equal to, or greater than the amount determined by the Board.

As in the case of the present proceeding before the Tax Court, the proceeding in the Court of Claims is not to be treated as a proceeding to review the determination of the Renegotiation Board, but is to be a de novo proceeding. In other words, in excessive profits redetermination cases there is to be a full de novo court trial in the Court of Claims. The decision of the Court of Claims is to be subject to review only by the Supreme Court upon certiorari in the manner provided in the United States Code for the review of other cases in the Court of Claims.

The bill provides that the change in jurisdiction with respect to renegotiation cases is to apply with respect to any case in which the time for filing a petition for a redetermination of an order of the Renegotiation Board expires on or after the date of enactment of this bill. Any petition for a redetermination which is filed with the Tax Court on or after the date of enactment of the bill and within 90 days thereafter is to be considered as if filed with the Court of Claims and is to be transferred from the Tax Court to the Court of Claims within 30 days after the petition is filed. In addition, all cases arising under the Renegotiation Act which are pending in the Tax Court on the date of enactment of this bill are to be transferred within 30 days from the Tax Court to the Court of Claims except where the chief judge of the Tax Court determines otherwise. If he finds that the proceedings have progressed to the point where the case can be more expeditiously decided by the Tax Court than the Court of Claims, he can direct that the case be retained by the Tax Court. Any case remaining with the Tax Court because of the application of this rule after the effective date of this bill or any case on appeal from a judgment of the Tax Court on the effective date of this bill is to be governed by the same rules and provisions of the Renegotiation Act as are applied under present law.

B. TAX COURT AMENDMENTS

1. RECALL OF RETIRED JUDGES

Since 1953, the Internal Revenue Code (as part of the Tax Court judges retirement provisions; Public Law 83-219, 67 Stat. 482) has authorized the chief judge of the Tax Court to recall retired Tax Court judges to perform judicial duties. This provision (sec. 7447(c) of the 1954 Code, sec. 1106(c) of the 1939 Code) applies to any judge "who is receiving retired pay" under the Tax Court retirement system. One of the major reasons advanced for instituting this system was the need to "facilitate the handling of the very heavy workload of the court." (H. Rept. 83-846, p. 4; S. Rept. 83-675, p. 4.)

Frequently, a judge is recalled to perform judicial duties immediately upon his retirement. Recently, it has been suggested that the statute might technically be read to permit recall of a judge only after he or she has actually received some retired pay. The committee does not believe that the statute and legislative history would support such a reading. Nevertheless, the committee agrees with the House that it is appropriate to remove any possible ambiguity currently existing in the statutory language by amending section 7447(c) to provide that the chief judge may recall a judge who *has elected to receive* retired pay, whether or not the judge has actually received any retirement pay before being recalled.

Since this amendment is merely a clarifi-

cation of existing law, the bill makes the amendment effective as if included in the Internal Revenue Code of 1954 on the date of its enactment and provides that provisions having the same effect as the amendment shall be treated as having been included in the Internal Revenue Code of 1939 effective on and after August 7, 1953 (the date of enactment of Public Law 83–219).

2. SURVIVORS' BENEFITS

Under section 7448(m) of the code, a Tax Court judge's survivors' annuity is based on the average annual salary received by the judge for his judicial service and any other prior allowable service during "the last 5 years of such service prior to his death, or prior to his receiving retired pay," whichever occurs first. The effect of this provision is to freeze the base for computation of survivors' annuities at the time that a retired judge first receives retired pay.

A Tax Court judge electing survivors' annuity coverage must deposit in the survivors' annuity fund 3 percent of his retired pay (as well as 3 percent of his salary before retirement and 3 percent of his compensation (in lieu of retired pay) for any period during which he is on recall status; see sec. 7448(c)). If a judge's compensation or retired pay is increased after the time he has first received retired pay, he must deposit into the fund 3 percent of the increased compensation or retired pay.

The committee agrees with the House that it is inequitable to freeze the base for determining benefits while requiring the judge to increase his contributions to the fund. To remove this inequity, the bill provides that the base for determining benefits may take into account the period after the judge has first received retired pay. The bill amends section 7448(m) to provide that the base of the survivors' annuity is to be computed on the period of 5 consecutive years in which a judge receives the largest amount of compensation (treating retired pay as compensation for these purposes) for his services. The bill also clarifies the fact that (as under existing law) the years of service used in computing the amount of the survivor's annuity includes periods during which a judge receives retired pay.

The change made by this amendment is to apply to Tax Court judges dying on or after the date of the enactment of this act.

III. COSTS OF CARRYING OUT THE BILL AND EFFECT ON THE REVENUES OF THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the costs to be incurred in carrying out this bill and the effect on the revenues of the bill. The committee estimates that the Renegotiation Board's administrative expenses in carrying out its functions under the Renegotiation Act will be approximately $5 million a year. Accordingly, it is estimated that the 2-year extension of the act provided by the bill (which in effect requires new cases to be filed with the Board for an additional 2 years) will result in additional costs of $10 million. Because the cases to which this 2-year extension applies are likely to be processed by the Board about 2 years after the years to which the cases relate, it is probable that this additional $10 million of expense will be incurred in the period from 2 to 3 years beyond the fiscal year 1972.

On the other hand, based on experience in recent years, the committee estimates that the 2-year extension of the Renegotiation Act provided by the bill will result in excessive profits determinations by the Renegotiation Board in cases filed with the Board during the 2-year period of from $40 to $70 million in total. After allowance of the credit for Federal income taxes previously paid on the profits, the amount actually recovered by the Government will be approximately one-half of this amount or from $20 to $35 million. On the basis of the current trend in commercial interest rates, the committee estimates the change made by the bill in the interest rate payable on excessive profits (and on overcollections of excessive profits) when fully effective will result in a net revenue gain of approximately $0.5 million for a 1-year period. The committee does not believe that the change made by the bill regarding the transfer of jurisdiction over renegotiation cases to the Court of Claims will result in additional costs in the current fiscal year or in any of the 5 following years. The Renegotiation Board agrees with this statement.

The committee estimates that the costs in the current fiscal year and in the 5 following fiscal years of the two changes made by the bill regarding Tax Court judges (i.e., those dealing with the recall of retired judges and survivors' benefits) will be negligible.

IV. VOTE OF COMMITTEE IN REPORTING THE BILL

In compliance with section 133 of the Legislative Reorganization Act, as amended, the following statement is made relative to the vote of the committee on reporting the bill. This bill was ordered favorably reported by the committee without a roll call vote and without objection.

## AMENDMENT OF SOCIAL SECURITY ACT

The bill (H.R. 8313) to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–246), explaining the purpose of the measure.

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

PURPOSE

The purpose of H.R. 8313 is to extend for 2 years, from June 30, 1971, to June 30, 1973, the provisions of section 113 of the Social Security Act, which authorizes the Secretary of Health, Education, and Welfare to provide temporary assistance to U.S. citizens returned from foreign countries under certain circumstances.

GENERAL STATEMENT

It is estimate that more than a million U.S. citizens and their dependents live, work, study, and travel abroad. These people are subject to the same hazards as Americans living at home, including illness, loss of employment, desertion, and family breakup. In the event that these U.S. citizens become public charges in foreign countries, they are subject to deportation.

Section 1113 of the Social Security Act authorizes the Secretary of Health, Education, and Welfare to provide temporary assistance to citizens of the United States who are without resources and who are identified by the Department of State as having returned or having been brought from foreign countries to the United States because they are destitute, or ill, or because of war, invasion, or a similar crisis.

Temporary assistance, financed from Federal funds, to the extent needed, includes financial assistance, reception, care, and transportation from the port of entry to the individual's final destination. The program also provides for help in planning for resettlement, obtaining and using existing resources, and locating friends and relatives.

While this program has helped only a relatively few people, the help has been vital to the individuals who have been involved. The Department of State is responsible for bringing the individuals to the shores of the United States, but it has no authority to provide help after arrival in the United States. Under section 1113, temporary assistance is provided only after an individual returns to the United States and has been referred to the Department of Health, Education, and Welfare by the Department of State, which certifies that the repatriate is a citizen and the reason for his return.

Provisions are also included in the program for reception, care, and temporary assistance for U.S. citizens evacuated to the United States in the event of an international crisis. The range of available assistance and services, the requirement for certification by the Department of State, and the operating methods are essentially the same as those listed above. Most evacuees, however, need only reception services at the port of entry, temporary care, and help in locating friends or relatives. Since 1961, the program has assisted U.S. citizens repatriated from two countries because of international crises—Cuba and the Dominican Republic.

The Social and Rehabilitation Service of the Department of Health, Education, and Welfare is responsible for the administration of this program and arranges for the facilities of State and local welfare agencies to be utilized in carrying out the program. These agencies are reimbursed for their costs.

Section 1113 was enacted as part of the Social Security Amendments of 1961, and originally provided for an expiration date of June 30, 1962. This date has been extended by Congress several times and was last extended by Public Law 91–41 to June 30, 1971.

EFFECT ON THE REVENUES OF THE BILL AND VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970 the following statement is made relative to the effect on the revenues of this bill.

The number of cases referred by the State Department has varied from year to year, but within a rather limited range. In fiscal year 1968, there were 342 referrals; in fiscal year 1969, 440 referrals; and during fiscal year 1970, 376 referrals. Appropriations have varied from $104,048 in fiscal year 1966 to $250,226 in fiscal year 1969. According to the Department of Health, Education, and Welfare, the estimated cost for fiscal year 1971 is $206,000; the estimated cost for fiscal year 1972 is $225,000. The committee feels that this estimate is reasonable.

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the following statement is made relative to the vote by the committee on reporting the bill. The bill was ordered favorably reported by the committee without objection.

## ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this is purely a precautionary measure—that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

Mr. MANSFIELD. Mr. President, as

an explanation to my colleague, it is anticipated, barring something unforeseen, bringing up the recess resolution later in the afternoon for consideration and disposal. The first request, I must repeat, was purely precautionary. I hope the Senate will understand.

(Subsequently, the Senate adopted House Concurrent Resolution 351, in accordance with which the Senate will adjourn from today until Tuesday, July 6, 1971 at 12 o'clock noon.)

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

## ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA TODAY AND FOR WAIVER OF GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the close of the morning business today, I be recognized for not to exceed 45 minutes, provided there is no unfinished business or pending business before the Senate; that is, if a conference report is not up for action, in which case, I ask that the Senate proceed to the consideration of that conference report, and that upon disposition of it, I then be recognized for not to exceed 45 minutes, and that during the consideration of any conference report today the Pastore rule of germaneness operate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none——

Mr. ALLOTT. Mr. President, reserving the right to object—and I shall not object—I want to be sure what the unanimous consent request means. Does that mean we will not have the germaneness rule remain in effect all day?

Mr. BYRD of West Virginia. Just during the consideration of any conference report.

Mr. ALLOTT. During each conference report?

Mr. MANSFIELD. Any conference report.

Mr. ALLOTT. I will not object.

## ORDER FOR RESUMPTION OF MORNING BUSINESS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, further, that upon the disposition of any and each conference report and/or at the close of my speech for not to exceed 45 minutes, the period for the transaction of routine morning business be resumed with statements therein limited to 3 minutes.

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

## PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, the Calendar as of now is as clean as it will ever be. It is almost as clean as a whistle, but it is hoped that it will be possible to take up three conference reports this afternoon—Education, Treasury-Post Office, and legislative appropriations.

It is anticipated that on Wednesday next, a week from today, July 7, we will take up the cancer bill, in which the Senator from Colorado (Mr. DOMINICK) and the Senator from Massachusetts (Mr. KENNEDY) are interested. It is hoped, with a fair degree of optimism, that it might be possible to work out a time agreement on that measure at that time.

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

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Mr. President, for the information of the Senate, I have just checked with the House and they are now in the process of considering the Education Appropriation conference report and they thought it might be sent to the Senate between 12:30 and 1 o'clock.

Mr. MANSFIELD. That is fine, and in accordance with the assurances of the distinguished chairman, the Senator from Washington, and his equally distinguished colleague, the senior Senator from New Hampshire, undoubtedly they will both be prepared at that time to go into action.

Mr. MAGNUSON. Yes, we will.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, I have no statement to make.

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Iowa (Mr. HUGHES) is recognized for 15 minutes.

## ALCOHOLISM

Mr. HUGHES. Mr. President, on Friday and Saturday of last week, the Senate Subcommittee on Alcoholism and Narcotics held field hearings in ghetto areas and addiction treatment centers in New York City on hard drug abuse in our country.

Participating with me in conducting these hearings were the distinguished Senators from New York (Mr. JAVITS), New Jersey (Mr. WILLIAMS), and Pennsylvania (Mr. SCHWEIKER).

I am sure that I speak for all four of us when I say we were profoundly shaken and moved by the experience. I know the deep concern that Senator JAVITS, a leader for years in the fight against chemical addiction, has about these problems in the urban areas he represents. I know this same concern is shared by Senator WILLIAMS and Senator SCHWEIKER.

In parts of Harlem and South Bronx where we conducted our investigations, it was as if the area had been bombed out, destroyed, but still strangely not deserted. For many people living in this environment, including children, nothing counts but the next fix, the next high. And walking through the alleyways, ankle-deep in garbage and refuse where the little children play, you can only wonder why the hard drug epidemic is not even worse than it is.

The eyes of the people who live in this area, where hope is dead and the fear of violence never ends, haunt you. "Why can a 10-year old child buy heroin at a hamburger stand as easily as he can buy chewing gum?" They ask. We saw it happen. We had no answer.

As yellow fever and malaria begin in the swamps and the jungle, the drug plague began in these slum areas. And now it has spread to the suburbs, the Fifth Avenues, the exclusive colleges, and even the grammar schools attended by the children of the wealthy and influential.

Already drug abuse is epidemic, particularly in the slum areas where it started. One can only conjecture with horror what will happen if 75,000 veterans are returned to our society drug-addicted or drug-dependent. As you know, measures are being considered to prevent this from happening. But there is no assurance that these measures will succeed—or that the Government's role will be adequate, realistic, and long-range, as it must be for any chance of success.

And if discharged soldiers, burdened with this deadly addiction, return untreated, unrehabilitated to the streets where they live throughout America, the plague will spread like forest fire across the land. It is the nature of the addict to attract others to join him in his habit. The disease is terribly contagious.

If we who live elsewhere in America turn our backs on the great cities in this hour of dire need, when they are fighting the drug epidemic and the conditions that breed it in the slum areas, we will all live to regret it.

And as the blight of drug abuse spreads to other areas of the country, as it is rapidly doing, we will see that the people in these other areas must look to the cities for guidance in methods of controlling addiction. This is where the infection has long been acute; this is where the experimentation in treatment and control has been going on under combat conditions for years.

If we were dealing with the bubonic plague or polio or tuberculosis, we would have it under control by this time. But we are dealing not with a bacterial disease, but with the disease of chemical addiction and dependence, toward which we have a strange, moralistic hangup.

Mr. President, it is a dreadful problem that confronts us—and frankly the solution is not in sight. Worse yet, there is no convincing evidence that our government fully understands the seriousness of the crisis or is willing to take the massive moves necessary to control it.

In working to develop effective methods of controlling drug abuse, we are moving into the area of the unknown, as has been the case with cancer. I only know that we must increase our efforts a hundredfold and never stop until we have found solutions.

But there is one vast area of chemical addiction for which we *do* have tested and proven methods of treatment and control. I refer to alcohol abuse and control.

Earlier this week, Dr. Robert Campbell, a New York psychiatrist, called alcoholism "a much more dangerous addiction than all of the other drug addictions put together."

Every person knowledgeable in the drug field knows that this is the truth.

Alcoholism causes more deaths, more human misery, costs us more money, and blights the lives of more people than all of the other forms of drug abuse combined.

Yet it is treatable, controllable. We have no excuse for inaction.

There is a great deal of conjecture as to which is the "starter drug." Most frequently the uninformed point their fingers at marihuana, a convenient and popular bogeyman.

The truth of the matter is that if there is a "starter drug" which leads ultimately to hard drug addition—a point on which there is, as yet, no clear answer—it could be alcohol.

I remember the case history of one youth from a wealthy family who died at 16 from an apparent overdose of drugs. He had gone through the whole gamut of drugs and narcotics. Schoolmates testified that his favorite "high" was still from alcohol, but he had gone to other substances because they were more easily concealed from his parents.

A recent news story reveals that a number of young people who have been on drugs are now turning to cheap wine, a lethal and easily available drug, long favored by the derelicts of skid row.

Alcohol is far and away the most widely abused dangerous drug we have. Fortunately, we know what to do about controlling it. But unfortunately, we are not doing it.

Up to last year, there was no comprehensive Federal law to enable the Government to launch a national program of alcoholism control on a realistic scale.

But in the closing days of the 91st Congress, such a bill was passed by the Senate and virtually without opposition by the House.

It was signed into law by President Nixon on New Year's Eve.

With the enactment of this law, Mr. President, the hopes of millions of people throughout the country, who have worked with the problem of alcoholism in their communities and prayed for help and leadership in controlling it, went up.

But as the days went by in 1971 and these people awaited the implementation of the widely hailed new law, the lights went out.

It became apparent that the administration had no intention of effectively implementing the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

As a consequence, the programs authorized by this new law, so dramatically enacted by the last session of Congress because of the extreme urgency of the national problem it was designed to meet, are derailed and at a standstill.

Moreover, the administration has deceived the Congress and the people about this tragic derailment by manipulating the facts and figures to make it appear that it is actually making a serious effort to meet the spirit and intent of Congress in carrying out the provisions of this law.

On June 18, the distinguished Senator from Louisiana (Mr. ELLENDER), chairman of the Committee on Appropriations, received the following letter from John G. Veneman, then Acting Secretary of the Department of Health, Education, and Welfare:

DEAR MR. CHAIRMAN: Thank you for your letter of June 2 in which you request our professional judgment on how much money could be effectively used to implement Public Law 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

The 1972 budget does not propose specific funding of Public Law 91-616, although the Administration's concern with the problems of alcoholism is clearly reflected by recent budget requests. First, the budget which the President submitted to Congress in January proposes to double current support for the prevention and control of alcoholism by the National Institute of Mental Health—from $14 million in 1971 to $28 million in 1972.

Mr. President, I shall explain a little later how that is a deceptive statement.

Second, the President's Health Message to the Congress on February 18 provided for a further budget add-on of $7 million. Thus, in total, we are proposing an increase of 150 percent in funds made available to the National Institute of Mental Health for this purpose in 1972.

To this must be added the $34 million in the budget for the Social and Rehabilitation Service that is concerned with alcoholism. These funds are administered in the form of formula grants to States.

Additionally the organization of the new National Institute on Alcohol Abuse and Alcoholism authorized by Public Law 91-616 has been approved and its Advisory Council is being appointed. Consequently, we believe we are making a serious effort to meet the spirit and intent of Congress with respect to this legislation.

We do believe this $69 million that the Department of Health, Education, and Welfare has budgeted in 1972 for alcoholism represents what can be "effectively used"—given the context of many other needs, including health, for available Federal resources. These include, for example, the development and redistribution of health manpower, as well as restructuring our systems of delivery of health care.

At the same time you should be aware that in testimony before the Senate Subcommittee on Alcoholism and Narcotics, Senator Hughes asked for a "professional judgment" budget for alcoholism. The document was prepared by Dr. Bertram Brown, Director, National Institute of Mental Health and a copy is enclosed. However, I must point out that this represents costs without regard to the need for funding other health programs within limited financial resources.

Mr. President, with all due respect to Secretary Veneman, who was trying to put the best face on an ugly situation, that letter gives a totally false picture of what the administration has done regarding the implementation of the new law.

Here are the facts:

The administration did not request supplemental budget for 1971. They did not request an expanded budget for 1972 for Public Law 91-616.

To make matters worse, they are cutting back the alcoholism program in the Office of Economic Opportunity—for which the Congress required mandatory funding of $10 million in 1970 and $15 million in 1971 from the $12.8 million actually funded by the administration in 1971 to $2 million in 1972.

It is true that the administration is proposing to add some additional funding to the old Community Mental Health Centers program in 1972.

But the pretense that this represents an increase of 150 percent in funds is flagrantly misleading.

If one looks at the whole picture of earlier established alcoholism programs and the new programs called for by the new law, it is readily apparent that this alleged increase is illusory.

In fiscal 1971, the National Institute of Mental Health will be committing $17.4 million and OEO will be committing $12.8 million to the alcoholism prevention and treatment area—a total of $30.2 million commitment.

In fiscal 1972, NIMH will be committing $34.6 million and OEO will be committing $2 million to the alcoholism prevention and treatment area—a total of $36.6 million.

In short, the administration is proposing a $6 million increase in earlier established alcoholism programs. But it is proposing nothing to fund the vital programs authorized by the new law—$70 million in 1971 and $100 million in 1972.

What this amounts to, Mr. President, is budgetary veto of a law passed overwhelmingly by the Congress and signed in apparent good faith by the President.

It would appear that the administration has the power to wield the axe—but let there be no doubt whose fingerprints are on the handle.

The "professional judgment" budget, prepared by Dr. Brown, Director of the National Institute of Mental Health, to which Secretary Veneman referred in his letter, called for appropriations of over $1 billion to meet the needs of realistic and adequate alcoholism programs over a 5-year period. I ask unanimous consent that Dr. Brown's report be printed in the RECORD following these remarks.

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

(See exhibit 1.)

Mr. HUGHES. Mr. President, my concluding statement is this: We have been misled with respect to the intent of trying to fund the act passed by Congress last year. The hopes of the American people have been raised to an optimum with expectation. We have a requirement in this body to meet the absolute need of what is the worst drug epidemic in this country, of the most vicious drug of all, which is taking the heaviest toll—alcoholism in America.

EXHIBIT 1

ESTIMATED COSTS OF IMPLEMENTING A 5-YEAR NATIONAL ALCOHOLISM PROGRAM

The objectives of a national alcoholism program is to reduce the seriousness, prevalence and incidence of alcoholism and alcohol

problems in the Nation. Because of a long standing neglect and unique stigma associated with alcoholism and drinking problems, a broad based comprehensive effort is needed. Due to the tremendous overlap among complicated social, psychological, physical and cultural factors associated with the nature and development of these problems, a long term program is necessary. It is estimated that it will take five years at the proposed level of investment to fully implement and derive major results from a national alcoholism program.

This plan has been developed within the framework of a five-year period of time and includes cost estimates which are based upon full program implementation by the end of the fifth year. The implementation of a national alcoholism program requires a strategy which includes the development of a series of program components to be coordinated and implemented at varying rates. The program components described in this plan include:

(a) Prevention and education for responsible drinking.

(b) Rehabilitating employed alcoholics. Special program for Federal civilian employees.

(c) Comprehensive services for all alcoholics.

(d) Public drunkenness offenders.

(e) Alcoholism among Indians.

(f) Reducing automobile accidents (alcohol-related).

For each of the selected program components this plan identifies a target population, explains program methods, predicts the likelihood of success, estimates the cost necessary to meet program components objectives, and describes the benefits of implementing the program component. In some cases there are also estimates of the timing with which the program component can be implemented.

Each of the program components described in this plan have been developed within two dimensions. Specifically, they have been planned to consider varied stages of alcohol abuse or illness and they are designed to be directly responsive to identifiable target populations which are involved with alcohol problems or alcoholism. It is possible that any single program component included in this plan could be achieved more rapidly or more slowly depending upon the influence of factors which are not predictable at this time.

Several requirements are common among each of the program components: the need for particular kinds of training, the need for research, evaluation, education and information, and the necessary availability of treatment services. The mixture of these several requirements, however, varies among the components.

A. PREVENTION AND EDUCATION FOR RESPONSIBLE DRINKING

The proposed program is one of aggressive Federal leadership in developmental work aimed toward primary prevention of alcohol problems.

1. Target: The attitudes and behavior of the 80 million adults who currently use beverage alcohol, and an additional 17 million young people (ages 14–18) who also experiment with alcohol.

2. Method: The major thrust of this activity is aimed at modifying cultural and peer attitudes which may control that behavior termed intoxication. The focus does not relate to drinking per se but rather to the commonly held acceptance of the social-behavioral state of intoxication. Methods can be designed to create social sanctions and peer pressures which preclude intoxication as an acceptable form of behavior. The theme is one of responsibility as it pertains to drinking habits. This theme must be developed to distinguish responsible from irresponsible drinking behavior. Specifically, the methods will include:

(a) development of educational material for mass media use at local, State and national levels;

(b) Federal support of State and local public agencies for purposes of conducting community education programs;

(c) Federal leadership in the development, stimulation and coordination of educational activities by a variety of national organizations;

(d) a high priority program of research in several areas: the etiology of alcoholism (biomedical and psychological), ways of changing attitudes and behavior related to alcohol abuse, factors involved in identifying oneself as in need for an alcohol abuse problem;

(e) support for the training of professionals who can provide appropriate consultation to community agencies, particularly the public school system;

(f) Federal leadership in seeking changes in: alcohol advertising campaigns (e.g., modification of advertising regulations so that advertising can do more to emphasize responsible drinking);

(g) taxation (e.g., lowering the Federal proof minimum permitted for products labeled "whiskey" and "gin");

(h) retail licensing and conditions of sale (e.g., local groups in newly developing areas are allowed to establish model neighborhood taverns as part of broader leisure facilities).

3. Chance of success: Our national experience suggests that *prohibition* as an approach to primary prevention has no chance of success. The attitudes of responsible drinking behavior are identified and associated with a low incidence of alcoholism. By the use of innovative educational activities based on this knowledge, the program will have a high chance of success.

4. Costs: It is estimated that a minimum five-year cost for such a nationwide program of attacking the pre-abuse population will be $51.6 million which will be devoted to research and evaluation, training, curricula development and educational materials, and operating costs for program personnel.

5. Benefits: Even a small success rate in the prevention of alcohol abuse would have a significant economic saving when applied against the estimated $15 billion annual cost of alcohol abuse.

6. Time: It is our judgment that such a program could begin immediately with gradual increasing payoff and with significant gains within five years.

B. REHABILITATING THE EMPLOYED ALCOHOLIC

The proposed program is one of Federal leadership, stimulation, and evaluation of industry-based interventions in the population of employed alcoholics.

1. Target: The 6.5 million employed alcoholics in the Nation's work force.

2. Method:

(a) industry-based education camaign,

(b) training of supervisory personnel,

(c) identification of employees with alcohol problems,

(d) referral of those employees to treatment services.

3. Chances of success: There is high receptivity to such a program on the part of many industries. Based on the experience of those industries who have established such a program, more than 50% of the employed alcoholics can be rehabilitated in this fashion.

4. Costs: A five-year national program requires a budget of $18.8 million, including funds for personnel, travel and educational activities and materials, research, including cross-industry evaluation projects, and grants to support the training of professionals who can provide appropriate consultation to industry.

5. Benefits: The HEW program in conjunction with State, local government and industrial participation would bring about a reduction of the $10 billion annual loss of productivity (25% of the salary of each alcoholic).

6. Time: The national program could begin immediately and would probably take a minimum of five years to cover most of the major industries in the country. Obviously, this national program would be dependent upon the development of some comprehensive service system as those described under C below.

A government-wide program for Federal civilian employees would not be solely administered by any single agency. Consultation for program development and other support would be provided through the National Institute on Alcohol Abuse and Alcoholism. In addition, the Health Services and Mental Health Administration is in the process of establishing a pilot alcoholism program for Federal civilian employees within the Department of Health, Education, and Welfare. The cost of a government-wide program would be shared by a number of agencies responsible for Federal civilian employees.

1. Target: The (approximately) 200,000 Federal civilian employees who suffer from alcoholism.

2. Method: Federal agency-based campaign, same steps as outlined for the national program option.

3. Chance of success: A minimum of 50% of the employed alcoholics would be rehabilitated.

4. The Comptroller General of the United States has estimated that the cost of such a program for Federal civilian employees would be approximately $15 million annually. This plan calls for a gradual progression to that level of expenditure over a five-year period. The program for Federal civilian employees would cost approximately $38.5 million over a five-year period without paying for all treatment services—80% of these employees have health insurance which will cover some or all the treatment cost.

5. Benefits: The benefit figures for the Federal program are projected to be—a savings of $1.25 billion over five years, or for $1 spent, $17 saved.

6. Time: The pilot program for employees of the Department of Health, Education, and Welfare will be in operation soon. The full implementation of a government-wide program cannot be accurately predicted at this time, but it is estimated that it can be fully operational by the end of the fifth year.

C. COMPREHENSIVE SERVICE FOR ALL ALCOHOLICS

Involves (1) intercepting alcoholism by dealing with individuals already known to community agencies for other problems, and (2) responding to the needs of self-identified alcoholics.

1. Target:

A. Most of the alcoholics, though they do not acknowledge their alcoholism, are already in contact with one or more of the major helping agencies, such as welfare agencies, general hospitals, mental hospitals, community mental health centers, and family service agencies;

1. Thirty percent of those admitted to tuberculosis sanitoriums suffer from alcoholism.

2. Estimates indicate that alcoholism is involved in 10% to 25% of welfare cases.

3. In studies of patients admitted to hospitals after attempted suicide, percentage of alcoholics ranged from 11% to 23%. In a study of completed suicides, 31% were found to be alcoholics.

4. A study in Maryland found that 25.4% of males admitted to psychiatric outpatient facilities were excessive drinkers, although

more than half of these persons received diagnosis other than alcoholism.

5. Five percent to 10% of all alcoholics voluntarily seek care for their alcohol problems. Most of these currently enter the treatment system in the late stage of their illness.

2. Methods:

A. General—Develop comprehensive, coordinated treatment network incorporated into existing facilities, centered around care-giving institutions with which alcoholics come into contact: general hospitals, mental hospitals, community mental health centers, and welfare agencies. All such programs must be community-based and should provide a comprehensive range of services, including emergency, inpatient, outpatient, intermediate care services and consultation and education. Identification and referral services should be part of all of the above. Mechanisms for ensuring continuity of care are required.

B. Training programs for all health and care-giving personnel:

1. Training in professional schools and on the job.

2. Training for nonprofessionals and volunteers.

3. Training personnel in roles of client advocate and alcoholism coordinator.

a. Alcoholism coordinator at case level—a facilitator or advocate for client.

b. Agency or community alcoholism consultant, coordinator and advocate (program level).

c. Research on the development, application and evaluation of treatment methods.

4. Coverage for alcoholism under health insurance policies.

e. Hospitals and other care-giving institutions should accept alcoholics on same basis as all other patients.

f. All State health, mental health, welfare and rehabilitation plans submitted to the Federal Government should include attention to problems of alcoholism.

3. Chance of success: Fifty percent of rehabilitating alcoholics who come into contact with health and care-giving agencies under new comprehensive, coordinated system.

4. Costs: NIMH working in liaison with SRS, SSA, MSA to encourage them to provide for alcoholics in their own planning activities, including review of State plans. However, the NIMH would be the primary service agency and, therefore, greatly increased staff and budget needed to develop and augment comprehensive services for alcoholics in all care-giving agencies. In our judgment, approximately $753 million would be necessary over a five-year period to fully implement a comprehensive service program. Costs would be broken down into the following categories, comprehensive services, research, training and staff.

5. Benefits: Fifty percent to sixty percent of all alcoholics could become involved in treatment (approximately 5 million). An estimated 50% of those (2½ million) would be rehabilitated.

6. Time: The national program would probably take a minimum of five years to initiate coverage for the target population. This component could be implemented more rapidly by achieving full Federal participation during the fourth year.

D. THE PUBLIC DRUNKENNESS OFFENDER

1. Target:

A. Approximately five percent of all alcoholics fit the "Skid Row" description. This population, while constituting a small minority of the alcoholic population, accounts for 40% of all arrests, excluding traffic violations. Currently, most of this population is handled within the criminal justice system, which most authorities agree has been both ineffective and inhumane.

B. This population of alcoholics requires comprehensive services—for shelter, food, transportation, emergency medical services, and services for chronic and severe medical problems.

2. Methods:

A. Treat public intoxication as medical-social rather than legal-criminal problem.

B. Outreach system to draw this population of alcoholics into treatment system.

C. This population can be handled within the comprehensive treatment program outlined in alternative C, but with special program elements and needs: shelter, food, transportation, detoxification, medical care, frequently long-range aftercare, special cooperative case finding and court referral proceedings.

D. Special training needs to be given to the personnel who will be dealing with this target population. Even if public intoxication is taken out of the criminal system, police might still be used for transportation and referral needs. Such police need to be specially trained if the program is to be successful.

E. Research is necessary to evaluate programs.

3. Chance of success: Although research has not yet established the long-term possibilities of rehabilitation for this population, short-term studies have shown that these men can be successfully recruited into rehabilitation programs. For example, a few States such as Maryland, District of Columbia, and Hawaii have already changed their laws and now treat public intoxication within the health rather than the criminal system which seems to be effective.

4. Costs: Most of his needs could be handled by the comprehensive treatment program outlined in C above. Special outreach programs, research and demonstration programs, and training for policemen and special outreach personnel require an additional five-year cost of $85.4 million. The National Institute on Alcohol Abuse and Alcoholism, NIMH, will assume a major role in encouraging communities to develop comprehensive services for the chronic offender population. Close collaboration with the Department of Justice (LEAA) in seeking alternatives to the current ineffective system of coping with chronic public drunkenness is necessary.

A. More than $100 million per year is currently spent in the arrest and incarceration of the public drunkenness offender, and a large amount is also spent in health and welfare services consumed by this population. While it would be expensive to rehabilitate this population, the expense would be less than the current costs. In addition, treatment in the health system has a substantial chance of success (at least 1 out of 4), while "treatment" in the criminal system has been proven to be largely unsuccessful.

B. The many hours spent in the arrest and court procedures would be eliminated, thus allowing the police time to deal with more serious criminal problems.

6. Time: It is estimated that it would take five years to implement and see major gains in this program component. The effectiveness of the program will depend upon the degree and effectiveness with which the judicial and law enforcement systems can collaborate with this program.

E. ALCOHOLISM AMONG INDIANS

1. Target: The Indian population (675,000 Indians and Alaskan Natives in the 50 States) adversely affected by drinking problems. An Indian Health Service Task Force on Alcoholism in December 1969 stated that "the majority of suicides, murders, accidental deaths and injuries are associated with excessive drinking as are many cases of infection, sclerosis, and malnutrition. By far, the majority of arrests, fines, and imprisonments are the result of drinking (76%)".

2. Method:

A. Comprehensive education, treatment, and rehabilitation programs should be developed within Indian tribal or cultural groups.

B. Special programs developed within schools, especially the Bureau of Indian Affairs boarding schools where the student body is all Indian.

C. Programs developed emphasizing outreach and enabler efforts.

D. Federal investment in research, demonstration, training, and evaluation projects to fill the existing large gap in knowledge.

3. Chance of success: Alcohol problems are intimately tied to the Indians' current problems of employment, health, and housing. Success in the alcoholism effort will be based on the determination with which these other problems are simultaneously handled.

4. Costs: Federal programs for alcohol abuse among Indians over a five-year period would cost $28.3 million, for services, research, manpower and training, and planning.

5. Benefits: Cost benefits cannot be accurately estimated at this time. They should, however, be commensurate with cost benefits estimated for the general alcoholic population of the Nation.

6. Time: Approximately five years would be required to establish comprehensive alcohol programs for all the American Indian groups. The time required to see the effectiveness of those programs will depend upon the speed with which the Nation can effectively mitigate the consequences of other problems which are suffered by Indian people.

F. REDUCING AUTOMOBILE ACCIDENTS

1. Target: The population who annually account for about 28,000 deaths, 500,000 disability injuries, and another several hundred thousand traffic arrests.

2. Methods:

A. Identify those individuals whose excessive drinking creates a high accident risk. This would involve an educational program for police and social agencies in identification and referral techniques for the problem drinker. Referral would be mainly to medical and social treatment services, but it would also involve driver education and judicious use of legal prohibitions, the latter particularly for those individuals who refuse treatment. (Suspension of drinking drivers' licenses do not substantially keep the alcoholic driver off the road, though this sanction may be effective with social drinkers.)

B. Environmental manipulations such as placing drinking establishments in locations where automobiles would not be used.

C. Instruments such as devices in drinking establishments to test breath alcohol content and devices in automobiles preventing operation by intoxicated person, are being evaluated.

D. Education and re-education programs such as a national program on responsible use of alcohol aimed primarily at future generations as in Alternative A; a shift from current slogans such as, "if you drink, don't drive," which may be ineffective for the problem drinker, to slogans providing concrete alternatives, such as "if you drink, take a cab or get a friend to drive."

3. Chance of success: With intensive efforts to involve the problem drinker in treatment, reasonable estimates would be that 50% of those treated would be rehabilitated. It is impossible at this time to estimate the effects of the proposed environmental manipulations and instrumentation.

4. Costs: Because there is a tremendous overlap between the target populations involved, the costs of this program would be

taken care of under B (Rehabilitating the Employed Alcoholic) and C (Comprehensive Services for All Alcoholics).

5. Benefits: Roughly 40% of the following would be saved: 28,000 lives, 500,000 disabilities, and more than $1 billion in property damage, insurance costs and medical services. Currently, the Highway Safety Bureau and the NIMH are entering into a joint venture of an identification, decision and action program regarding the focusing on and treatment of problem drinkers. Over the next several years over $100,000,000 (mainly Department of Transportation funds) will be spent in demonstration projects in the Nation's large cities. In order for the pilot program to be optimally successful, a five-year budget totaling approximately $105 million to cover costs of identification and referral of this population, as well as necessary staff to achieve adequate liaison, would be adequate. These projects, plus a pooling of present and future resources and information by both agencies, should rapidly provide accurate data regarding further costs, benefits, legislation needed, etc.

6. Time: Intensive efforts could be initiated rapidly.

SUMMARY

Because of the long term neglect and stigma associated with the alcoholism and drinking problems, a broad based comprehensive effort is clearly needed. A combination of program components is required because of the tremendous overlap among the complicated social, psychological, physical and cultural factors involved with alcoholism and alcohol problems. To only deal with one factor at the expense of others would introduce negative reinforcement to perpetuate the problem. A treatment program without prevention, for example, would be a "holding" action only. It is not realistic to expect this chronic health problem to be controlled solely by treating its casualties. Identification programs, either among employees or drivers with alcohol problems, are equally incomplete without treatment resources to deal with problem drinkers once they have been identified. Conversely, the creation of intensive treatment programs must be coupled with an emphasis on early identification of people with drinking problems to assure that the treatment network will include those people most likely to receive maximal benefits from treatment.

Alcohol problems have a contagious nature and, unless a comprehensive attack is developed, the incidence of new problems will continue to accelerate. Only through the development of a comprehensive, multifaceted national program can significant progress be made.

Where cost benefits have been provided in this document, they are independent of other cost-benefit estimates. The success of some programs depends upon the implementation of others. Program components A and C are core programs and all other program components are very heavily dependent upon the implementation of these core programs. This plan emphasizes the near term (two years) importance of the program component to develop comprehensive services for all alcoholics. A gradual change in emphasis occurs so that longer term (five years) emphasis is placed upon program component A (Prevention and Education for Responsible Drinking).

This budget, based upon professional judgments, relate to the scope and seriousness of alcohol abuse and alcoholism in this Nation. It does not, however, relate to national priorities. Furthermore, these judgments do not include an appraisal of the time at which such a five-year program can be initiated.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—ALCOHOL ABUSE AND ALCOHOLISM, PROFESSIONAL JUDGMENT BUDGET

[In thousands]

| Program area | 1st year | 2d year | 3d year | 4th year | 5th year | Program total |
|---|---|---|---|---|---|---|
| Education | 2,045 | 4,090 | 9,105 | 16,160 | 20,175 | 51,500 |
| Employed alcoholics | 1,900 | 2,900 | 4,000 | 4,600 | 5,400 | 18,800 |
| Comprehensive treatment | 57,860 | 104,250 | 162,125 | 196,775 | 231,500 | 752,510 |
| Public offender | 5,600 | 11,200 | 16,800 | 23,800 | 28,000 | 85,400 |
| Indians | 3,060 | 4,590 | 6,120 | 6,885 | 7,650 | 28,305 |
| Highway safety | 7,000 | 14,000 | 21,000 | 28,000 | 35,000 | 105,000 |
| Total | 77,465 | 141,030 | 219,150 | 251,020 | 327,725 | 1,041,593 |
| Government employees [1] | [2] 500 | 4,000 | 7,500 | 11,500 | 15,000 | 38,500 |

[1] Cost for total civilian Federal government program; costs will be shared by agencies involved with program consultation provided by NIAAA staff.
[2] $500,000 will be used for a DHEW pilot program.

## ORDER OF BUSINESS—RECOGNITION OF SENATORS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Illinois (Mr. PERCY) for not to exceed 15 minutes.

Mr. PERCY. Mr. President, in order to accommodate my distinguished colleagues who have important luncheon engagements, I ask unanimous consent that I be permitted to proceed for 3 minutes and then to be followed by the distinguished junior Senator from California for 15 minutes, to be followed by the distinguished Senator from Minnesota for 15 minutes; that at the conclusion of their remarks, I be permitted to continue for the remainder of my time—namely, 12 minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—I will not object—I thank the distinguished Senator for accommodating our colleagues. I merely state that this does not upset or change the overall program, timewise.

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

## SENATOR PERCY COMMENDS PRESIDENT NIXON ON TURKISH NARCOTIC AGREEMENT

Mr. PERCY. Mr. President, I wish to express deep satisfaction over President Nixon's announcement that the Government of Turkey, a NATO ally, has agreed to limit the growth of poppies in four Provinces this year and to halt poppy planting in 1972.

As the principal sponsor of the administration's bill to create a Special Action Office for Drug Abuse Prevention in the White House to coordinate the Federal role in combating drug abuse, I believe the decision of Turkish officials to take this significant step, despite its impact on the Turkish economy and Turkish life, reflects extraordinary diplomatic courage. While the use of opium or its derivative, heroin, is practically nonexistent in that country, such use is ravaging the inner core of our own society.

The stench of addiction, and its contribution to criminal behavior, must be eliminated. This action by the Turkish Government will tremendously assist in that effort. Prime Minister Erim, Secretary William P. Rogers, and President Nixon himself, deserve the gratitude of the Nation for their tireless work in negotiating this agreement. I am hopeful that our technological assistance can appropriately compensate the Turkish people for their willingness to cease growing what is, for them, an important agricultural commodity.

Apart from the need for restricting the supply of heroin coming into our country, I hope that Federal drug abuse control will concentrate on hard drugs. S. 2097, which I have introduced with 22 cosponsors from both parties would bring together the prevention, education, rehabilitation, training, research, and treatment efforts of the Federal Government under the direction and coordination of one office located in the Executive Office of the President and reporting directly to the President.

Dr. Jerome Jaffe, former director of the Illinois drug abuse program, has been named to fill that position until such time as the Special Action Office is statutorily established.

Hearings on S. 2097 will commence next week before joint sessions of two subcommittees of the Government Operations Committee—the Subcommittee on Executive Reorganization, chaired by Senator RIBICOFF; and the Subcommittee on Intergovernmental Relations, chaired by Senator MUSKIE.

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

Mr. PERCY. I yield.

Mr. JAVITS. I wish to associate myself with what the Senator has said about the agreement with Turkey.

I highly commend President Nixon and the Secretary of State for fulfilling a major American foreign policy goal by negotiating with Turkey, a major and traditional source of opium, a ban on its opium poppy growing fields after 1972. The Turkish people and their Government are also to be highly recommended. This has particular significance to New York where the heroin epidemic—which has hooked more than 100,000 addicts and has become the leading cause of death of persons between 16 and 35—

ravages our people, filling the streets with terror and the homes with despair.

This diplomatic accomplishment by President Nixon is a great step forward, and very much in keeping with my Senate-passed amendment No. 151 to the Military Selective Service Act, which I introduced with Senator HUGHES to seek to halt illicit drug traffic. I hope the amendment will survive the conference. When I introduced the amendment, I expressed my confidence that international means can be devised to control illegal drug traffic. The ban negotiated by President Nixon and Turkish Premier Nihat Erim demonstrates that vigorous diplomacy can achieve results.

However, the American people must understand this achievement does not, in and of itself, mean we have come close to completely closing off the source of illegal opium production .

The world's illicit production of opium is an estimated 1,250 to 1,400 tons annually, and although Turkey is now the source of 80 percent of the heroin smuggled into the United States, it only is estimated to have produced 100 illegal tons. In the no-man's land of the triangle composed of Burma, Thailand, and Laos, there was an estimated 700 to 750 tons illegally produced—more than one-half of the world's illicit output. Unfortunately, as we are all too well aware, this newly expanded source has been readily available to our soldiers in Vietnam.

Therefore, although we may have successfully dammed up the supply from Turkey, we must be aware that there is nothing to stop such other countries as Burma, Thailand, and Laos, from "taking up the slack" in the illicit heroin market. However, I am confident that illicit drug traffic can be stopped—as we have in Turkey—if we seek international cooperation and assist opium-producing countries to cease their production and find alternative crops.

Mr. PERCY. I thank the Senator.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEED, Mr. PASSMAN, Mr. ADDABBO, Mr. ROYBAL, Mr. STOKES, Mr. MAHON, Mr. ROBISON of New York, Mr. EDWARDS of Alabama, Mr. RIEGEL, Mr. MYERS, and Mr. Bow were appointed managers on the part of the House at the conference.

## ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

The PRESIDENT pro tempore subsequently signed the enrolled joint resolution.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## THE COST OF U.S. FORCES IN EUROPE

Mr. PERCY. Mr. President, once a week, I try to comment on the negotiations we are carrying on with the West German Government and our balance-of-payments problems caused by our NATO troop costs in Europe.

My main concern today, Mr. President, is that no offset arrangement has been agreed upon by the United States and Germany for the next 2 years. Nathaniel Samuels, Under Secretary of State for Economic Affairs, is in Germany today for the third round of the offset negotiations and we certainly wish him godspeed in attempting to get an equitable and fair offset arrangement for the United States.

But Mr. President, I was most disturbed to learn in last week's testimony by Mr. Samuels before the Joint Economic Committee that we may once again be thinking of accepting loans for part of the offset payments.

Loans are not a true offset, with or without interest. They merely postpone the agony a little longer. Loans are like applying a bandage to the outside of the stomach in the hope that it will cure the bleeding ulcer inside.

Germany must absorb more of the share of the costs of NATO. The Federal Republic has a lower level of inflation than we do, has only 1.3 percent unemployment, has a healthy surplus in her trade account and has a balanced Federal budget. She is capable of doing much more than she is doing.

I urged Mr. Samuels in the hearings last week to take a firm stance with the Germans in the offset negotiations and assured him that he would be backed up by Congress. An inequitable agreement will only rekindle demands for troop reductions in Europe. The best way to avoid further calls for U.S. troop cutbacks in Europe is to have our costs offset by West Germany and our other European allies.

I am pleased that this morning I had the opportunity to question Dr. Arthur Burns, Chairman of the Federal Reserve System, as to whether or not he feels that loans to cover our balance-of-payments deficit would be in any measure a satisfactory solution for this problem. I was pleased to have his prompt denial that loans would be satisfactory.

Mr. President, over the past 2 weeks the Joint Economic Committee has held most interesting hearings in the Foreign Economic Policy Subcommittee and in the International Exchange and Balance of Payments Subcommittee on the questions of the U.S. balance of payments and international monetary policy.

Some of the most interesting statements and comments have been in reference to U.S. military expenditures overseas and their effect on the U.S. balance of payments.

Witnesses, both from the administration and from private life, have discussed the burden the United States faces overseas in maintaining and paying for our military commitments.

On June 24, the Under Secretary of the Treasury, Paul Volcker, said:

> Meanwhile, a generation after the Second World War, our far-flung security interests continue to place a heavy burden upon the Nation, absorbing some 8% of our gross national product. That is far more than the proportionate cost to our allies. Nearly $5 billion of our expenditures are abroad, about $3 billion more than offsetting receipts.

Don R. Brazier, Principal Deputy Assistant Secretary of Defense—Comptroller—outlined clearly and succinctly the costs to the United States of our NATO commitment. His statement before the Joint Economic Committee also pointed out the impact of military expenditures on the overall U.S. balance of payments. Col. Edward L. King—U.S. Army (retired)—talked about the costs to the United States of our NATO commitment and what he saw as less than optimum deployment of our troops in Europe. Mr. President, I ask unanimous consent that extracts from the testimony of Mr. Brazier and Colonel King be printed in the RECORD at this point.

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

STATEMENT OF PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER) DON R. BRAZIER BEFORE THE SUBCOMMITTEE ON INTERNATIONAL EXCHANGE AND PAYMENTS OF THE JOINT ECONOMIC COMMITTEE JUNE 21, 1971

INTRODUCTION

We fully recognize that expenditures by the Department of Defense represent a substantial portion of Government expenditures abroad. Therefore, we believe we have a responsibility to minimize, to the maximum extent feasible, the impact of our overseas activities on the United States' balance of payments.

The mission of the Department of Defense is to provide for the security of the United States. Therefore, balance of payments considerations cannot be controlling, or indeed, examined independent of requirements stemming from our national security objectives, including our security commitments with other nations. Given the overriding importance of our security objectives and the obligations we have to our personnel, the Department of Defense has emphasized that

*first*, essential combat capability must be maintained and *second*, expenditure reductions must be achieved without creating undue hardships for U.S. military and civilian personnel and their families. Our measures affecting personnel must also be equitable in relation to personnel in other agencies of the government.

RECORD TO DATE

During the period FY 1961 to 1965, we reduced the net adverse balance on the defense account by almost half, from $2.8 billion in FY 1961 to $1.5 billion in FY 1965, even though expenditures started to increase in FY 1965 due to Southeast Asia. As shown in Table I, this reduction was achieved by (1) a fourfold increase in our receipts, which stem primarily from sales of U.S. military goods and services to foreign countries, (2) a reduction in uranium purchases abroad for defense purposes and (3) a successful effort to hold down overseas expenditures in the face of increases in foreign prices and wages and in the pay of U.S. Defense Department personnel. In countries where we had large numbers of foreign nationals, wage increases were particularly significant. For example, based on an index of wage levels published by the International Monetary Fund, from *CY 1961 through CY 1964*, the wage index in France rose 27%, in Germany by 30%, and in Japan by 34%. There also were price increases in the cost of supplies and services we procure overseas. Similarly, for U.S. personnel from FY 1961–1964, military basic pay increased by about 11% and classified civilian salaries increased by about 8%.

Beginning in mid-1965, our expenditures, as shown in Table II, have increased, due primarily to the conflict in Southeast Asia. Although it is difficult to make a clear-cut distinction between expenditures relating to Southeast Asia support and expenditure increases for other reasons including wage and price increases, it is estimated that in FY 1970 roughly $1.5 billion of our total direct balance of payments expenditures of about $5 billion were associated with Vietnam. This compares to incremental budget costs of $17.4 billion. Incremental budget costs cover all the costs for all forces other than our peacetime force levels plus the extra costs above the normal peacetime operating level of peacetime force units supporting operations in Southeast Asia.

It is important to note, however, that there also have been significant price and wage increases affecting the costs of our activities overseas. From CY 1964 through CY 1970, for example, based on data published by the International Monetary Fund, the wage index has rised by 57% in Germany, 98% in Japan, 39% in the UK, and 234% in Korea. Wholesale and consumer prices have also increased abroad and are reflected in the increased costs of procurement. In addition, U.S. military basic pay raises from FY 1964–FY 1970 were 59% and U.S. classified civilian pay raises were approximately 40%. Finally, it has been estimated that the revaluation of the German mark in the fall of 1969 has increased our expenditures at an annual rate of roughly $95 million.

DEPARTMENT OF DEFENSE EFFORTS TO MINIMIZE THE BALANCE OF PAYMENTS IMPACT OF ITS ACTIVITIES OVERSEAS

In our last appearance before this Subcommittee, we covered in some detail the actions we had taken which served to minimize our foreign exchange expenditures. The basic framework of our balance of payments effort remains as we then discussed it with you. Therefore, rather than restate the details of our individual programs as they have been carried out, I will, at this time, summarize and highlight the more significant areas of our effort.

As you can see by looking at Table I, a significant portion of our expenditures are made by our military and civilian personnel and their dependents. Department of Defense efforts to minimize foreign exchange expenditures by our personnel have focused on (1) reviews of requirements for U.S. military and civilian personnel overseas, (2) actions to reduce personal spending on the economy and (3) actions to hold down balance of payment expenditures related to non-appropriated fund activities.

With respect to our personnel stationed overseas, our efforts have been directed at encouraging participation in voluntary programs designed to channel available disposable income back to the U.S. Actions undertaken in the past which have served this purpose have included internal information programs, emphasis on use of U.S. controlled recreation facilities, a more attractive savings plan, easing of regulations to permit larger allotments and, for military personnel stationed in South Vietnam, a rest and recuperation program in Hawaii.

For non-appropriated fund activities, our policy is to promote the sale of U.S. items. Military exchanges and other non-appropriated fund activities in foreign countries have been directed to take whatever steps are feasible, within the limits of sound business practice, to stock merchandise of U.S. origin to the greatest practicable extent.

As to requirements for U.S. military and civilian personnel overseas, I believe it would be fair to say that this question has received more attention in the last two to three years than in any comparable time period in recent years. Much of this attention has been devoted to U.S. strength in Asia, particularly South Vietnam. But, there also has been much attention, Executive and Congressional, on the question of U.S. strength levels in Europe.

Summary data on military strength are shown in the following table:

DOD ACTIVE DUTY MILITARY PERSONNEL BY LOCATION

[In thousands]

| | All foreign countries and areas | | | United States and related total | United States and foreign total |
|---|---|---|---|---|---|
| | Shore based | Afloat | Total | | |
| June 30, 1968 | 1,083 | 117 | 1,200 | 2,347 | 3,547 |
| June 30, 1969 | 1,061 | 94 | 1,155 | 2,304 | 3,459 |
| June 30, 1970 | 913 | 120 | 1,033 | 2,033 | 3,066 |
| Mar. 31, 1971 | 785 | 82 | 867 | 1,935 | 2,802 |

Thus, between June 30, 1968 and June 30, 1970, in foreign countries and areas there was an overall reduction in U.S. military strength of 167,000 or about 14%. By March 1971, the reduction from the June 30, 1968 level was 333,000, or about 28%. Most of this reduction, of course, has come about since June 30, 1969.

As may be seen in Table I, the reduction in strength between June 30, 1968 and June 30, 1970 had served merely to retard the overall growth in our personal spending overseas. Personal spending grew from $1.5 billion in FY 1968 to close to $1.9 billion in FY 1970. We do not expect any reduction in these foreign exchange spending levels in FY 1971, even with the additional 14% reduction in strength which has been made through March 31 of this year. Wage and price increases will offset any reduction related to strength.

The Department of Defense also has made substantial efforts to hold down employment of foreign nationals to minimum essential levels. We had made some progress in stemming the overall growth in our foreign national costs by the mid-1960's in spite of substantial wage increases. The major influence on our foreign national employment levels since that time has been the requirement to support operations in Southeast Asia.

While foreign national costs have continued to rise overall, we have, however, made some progress during the past two years in reducing requirements for foreign national employment. Most of this reduction is related to the reduced operating requirements in Southeast Asia although, as shown in the table below, foreign national employment in Europe also has been reduced.

DEPARTMENT OF DEFENSE FOREIGN NATIONAL EMPLOYMENT

[In thousands]

| | Europe | All other | Total |
|---|---|---|---|
| June 30, 1968 | 82 | 176 | 258 |
| June 30, 1969 | 77 | 184 | 261 |
| June 30, 1970 | 71 | 152 | 223 |
| Mar. 31, 1971 | 71 | 133 | 204 |

In comparing these data with Table I, it is important to note that while total foreign national employment dropped by about 35,000 or about 14% between end FY 1968 and end FY 1970, our foreign national costs increased by $107 million, or about 19%.

These increases in our direct payroll related expenditures, that is, personal spending by U.S. personnel and foreign national costs are of major significance. Between FY 1968 and FY 1970, in spite of the personnel reductions I have discussed above, our direct personnel expenditures in these two categories increased by approximately $450 million. Total DoD expenditures entering the balance of payments increase during this same period by about $450 million. Therefore, the entire increase is, in effect, in these two accounts. Assuming expenditure patterns remained relatively constant during the period, these increases in turn may be attributed to the increased disposable income overseas provided primarily through pay raises, and the general impact of inflation. This would also reflect pay increases for our foreign national employees. In FY 1970, expenditures in these two categories accounted for more than 51% of our total expenditures entering the balance of payments and is expected to increase in FY 1971.

As shown in Table I, the remaining portion of DoD expenditures, totaling approximately $2.4 billion in FY 1970, generally is associated with procurement, construction and operating costs. These costs are for major equipment, construction, materials and supplies, including petroleum oil and lubricants (POL) and services such as transportation, utilities, etc. In addition, there is some minor amount of offshore procurement under the Military Assistance Program.

Department of Defense policies for a number of years have emphasized the use of U.S. materials and supplies in support of U.S. defense activities overseas. By mid-1963 we were in general applying a 50% differential in favor of U.S. products or services for our materials, supplies and services requirements, including overseas construction. These guidelines remain in effect today.

The use of such a guideline of course reinforces the basic determination which must be made in all cases that the item or service is indeed required for support of our activities overseas. In the case of construction, for example, the guidelines point to the elimination or deferral of all construction not essential to military needs, and to an effort to reduce the foreign exchange cost of essential construction.



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In the case of offshore procurement for the Military Assistance Program, the Assistant Secretary of Defense (International Security Affairs) must certify in accordance with the Foreign Assistance Act of 1961, as amended, that failure to procure outside the U.S. would seriously impede the attainment of Military Assistance Program objectives. This requirement is in addition to the use of the 50% guideline.

As shown on Table I, our expenditures for materials and supplies in FY 1970 were $755 million; but about two-thirds of this total was for Petroleum, Oil and Lubricants (POL). Therefore, only a little more than 10% of our $2.4 billion in procurement, construction and operating related expenses overseas in FY 1970 were for other items categorized as materials and supplies.

During the last several years, we have continued our efforts to consolidate activities and take other measures to hold at minimum required levels the numbers and functions of our overseas bases and facilities and to operate these facilities at a minimum cost. Since January 1969, there have been 245 actions taken in 17 foreign countries to reduce or consolidate activities. These actions do not consider reductions in South Vietnam and Thailand. On completion, more than 50,000 military personnel positions and over 30,000 civilian personnel positions will be reduced.

U.S. FORCES IN NATO EUROPE

There has been considerable discussion recently concerning our forces in Europe and the costs of maintaining these forces. I would like to summarize the difference bases which have been regularly used for expressing these costs to assure there is a clear understanding of each estimate. For FY 1971, estimates have been provided on three bases:

1. *$14 billion* represents the estimated total cost of U.S. general purpose forces both in NATO Europe and those general purpose forces usually based in the U.S. and maintained primarily for use in a European emergency, related support elements and headquarters in NATO Europe, the support in the U.S. such as training and logistics required for these forces, military assistance for NATO countries and the NATO military construction program.

2. *$7–8 billion* represents the cost of general purpose forces stationed in NATO Europe (including the Sixth Fleet) plus the U.S. support base required for these forces, i.e., cost of new equipment and training and logistics support.

3. *$3.1 billion* represents the operating cost of U.S. forces actually stationed in NATO Europe (including the Sixth Fleet). It includes military personnel costs and the costs for operating and maintaining equipment and facilities used by these personnel. It excludes indirect logistics and administrative costs outside of NATO Europe, major procurement and construction costs and the U.S. contribution to the NATO construction program.

The $3.1 billion total is included in the $7–8 billion figure which, in turn, is included in the $14 billion estimate.

In addition to the above budgetary cost estimates, U.S. defense balance of payments expenditures in NATO European countries are estimated at about $1.8 billion in FY 1971.

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SUMMARY AND OUTLOOK

It is extremely difficult to estimate what our expenditures would have been without the programs implemented by the Department of Defense. The procurement and construction programs, for example, as they involve the use of premium budgetary costs, can clearly be attributed to our balance of payments effort. In other areas such as base closures, our balance of payments program has served as an additional impetus to reducing expenditures overseas. It is true, however, that some actions would have been taken in any case in the interest of overall management improvement. As an order of magnitude, however, it is estimated that our balance of payments program has reduced our expenditures overseas by well over $2 billion during the FY 1961–1970 period.

As a result of our past efforts, the "easy" expenditure reductions have long since been made. Our expenditures abroad today are almost completely related to our deployments. Therefore, with continuing price and wage increases (including those associated with a Volunteer Armed Force) and changes in the value of some foreign currencies to the dollar, our expenditures, assuming approximately current force levels except for Southeast Asia and Korea, cannot be expected to even approach the pre-Vietnam level. We expect some slight reduction in FY 71—to a $4.8–$4.9 billion level.

We currently intend to continue our existing programs to hold down our costs overseas. In the long run, of course, the level of our expenditures abroad, in large measure, rests on the size of our overseas deployments. As I noted earlier, balance of payments considerations cannot be controlling or examined independent of requirements stemming from our national security objectives, including our security commitments with other nations.

We also intend to continue the ongoing military sales program, where this is appropriate. In addition, we will continue to work with other government agencies in any negotiations for improving the extent and nature of arrangements to offset the foreign exchange costs of our activities overseas.

TABLE I.—*U.S. Defense expenditures and receipts entering the international balance of payments, fiscal year 1970*

(Millions of dollars)

| | |
|---|---|
| Expenditures: | |
| U.S. Forces and Their Support: | |
| Expenditures by U.S. Military, civilian & dependents | 1,862 |
| Foreign Nationals (Direct & contract hire) | 680 |
| Procurement: | |
| Major equipment | 189 |
| Construction | 341 |
| Materials & supplies (including POL) | 755 |
| Services | 967 |
| Other payments | 95 |
| Subtotal | 4,889 |
| Military Assistance Program: | |
| Offshore Procurement | 15 |
| NATO Infrastructure | ----- |
| Other | 30 |
| Subtotal | 45 |
| Net change in Dollar purchased Foreign Currency Holdings | +18 |
| Total Expenditures | 4,952 |
| Receipts: | |
| Cash receipts | 1,556 |
| Barter | 315 |
| Total Receipts | 1,871 |
| Net Adverse Balance (DoD) | 3,081 |
| Other Expenditures (AEC and other agencies included in NATO Definition of Defense Expenditures) | 11 |
| Net adverse Balance (NATO Definition) | 3,092 |

TABLE II.—U.S. DEFENSE EXPENDITURES ENTERING THE INTERNATIONAL BALANCE OF PAYMENTS BY MAJOR AREA, FISCAL YEARS 1961–70

[In billions of dollars]

| Fiscal year | Western Europe | Major Asian countries | Canada | Other | World-wide |
|---|---|---|---|---|---|
| 1961 | 1.6 | 0.7 | 0.4 | 0.4 | 3.1 |
| 1962 | 1.6 | .7 | .3 | .4 | 3.0 |
| 1963 | 1.6 | .7 | .3 | .5 | 3.1 |
| 1964 | 1.6 | .7 | .3 | .4 | 3.0 |
| 1965 | 1.5 | .8 | .2 | .3 | 2.8 |
| 1966 | 1.6 | 1.3 | .2 | .3 | 3.4 |
| 1967 | 1.6 | 2.0 | .2 | .4 | 4.2 |
| 1968 | 1.6 | 2.1 | .3 | .5 | 4.5 |
| 1969 | 1.6 | 2.3 | .3 | .5 | 4.7 |
| 1970 | 1.7 | 2.4 | .3 | .6 | 5.0 |

TABLE III.—*U.S. defense expenditures and receipts entering the international balance of payments, fiscal year 1970*

(Millions of dollars)

| Country | |
|---|---|
| Australia | 41 |
| Austria | 3 |
| Azores | 4 |
| Bahrain Islands | 41 |
| Belgium-Luxembourg | 40 |
| Bermuda Islands | 7 |
| Canada | 274 |
| China, Republic of | 83 |
| Denmark-Greenland | 29 |
| France | 17 |
| Germany, Federal Republic of | 1,030 |
| Greece | 24 |
| Iceland | 20 |
| Indochina | ----- |
| Italy | 109 |
| Japan | 675 |
| Korea | 361 |
| Morocco | 6 |
| Netherlands | 45 |
| Netherlands Antilles | 22 |
| Norway | 15 |
| Pakistan | 2 |
| Philippine Islands | 200 |
| Portugal | 3 |
| Ryukyu Islands | 261 |
| Saudi Arabia | 91 |
| Spain | 54 |
| Switzerland | 12 |
| Thailand | 246 |
| Trinidad-Tobago | 14 |
| Turkey | 45 |
| United Kingdom | 225 |
| Venezuela | 18 |
| Vietnam | 542 |
| Other American Republics | 96 |
| Other | 308 |
| Total expenditures | 4,963 |
| Receipts | 1,871 |
| Net adverse balance | 3,092 |

STATEMENT OF EDWARD L. KING, RETIRED COLONEL, U.S. ARMY, BEFORE THE JOINT ECONOMIC COMMITTEE, SUBCOMMITTEE ON INTERNATIONAL EXCHANGE AND PAYMENTS, JUNE 21, 1971

Mr. Chairman and Members of the Committee: My name is Edward L. King. I am appearing today as a private citizen and the views and opinions I state are solely my own.

I am a professional soldier. I retired from the U.S. Army in August 1969 as a Lt. Colonel. I served on active and reserve duty for nearly 23 years as an infantry rifleman, noncommissioned officer, and commissioned officer in the United States, Asia and Europe. The last three years of my service were spent with the staff of the Joint Chiefs of Staff.

The purpose of my testimony today is to focus on what I consider are some of the unnecessarily high overall expenditures and balance of payments costs involved in pres-

ent national defense concepts and force deployments.

The fiscal year 1971 defense budget included a figure variously estimated at $14 billion for the support of U.S. general purpose forces in Europe and U.S. general purpose forces maintained in the United States but committed to a European contingency. The proposed fiscal year 1972 defense budget includes substantially the same funding support for these forces. The estimated operating cost of maintaining U.S. forces in Western Europe was approximately $2.9 billion last year. This operating figure includes the cost of all military and civilian personnel located in Western Europe, Greece, Turkey and the 6th Fleet as well as the costs of operating and maintaining the facilities used by these personnel.

U.S. defense expenditures entering the international balance of payments in NATO countries including Canada, have been estimated at approximately $2 billion in fiscal year 1970 and about $1.7 billion in FY 1971. A high percentage of these expenses is incurred in the Federal Republic of Germany where over 200,000 of the 300,000 U.S. troops stationed in Europe are located. For example, in fiscal year 1970 about $1.1 billion of the total balance of payments costs were spent in the Federal Republic. The current two year offset agreement with the Federal Republic expires on June 30, 1971. I have heard that the new agreement will not completely satisfactorily handle such problems as costs for local nationals which amounts to $260 million, locally procured material, supplies and equipment which cost $55 million, costs for various services which run $160 million or payment of land taxes to the Federal Republic. The chief criticism of the current method of offset payments has of course, been that it has been a deferral rather than a pure offset. There has been no direct budgetary support given by the Federal Republic since 1961 except for certain expenses involved with maintaining U.S. military forces in Berlin. And it seems that the new offset agreement is again to be more on a loan rather than cash basis.

Many arguments pro and con have been made in regard to the adverse U.S. balance of payments deficit resulting from the stationing of our forces in Europe and other areas of the world. Others have commented on the fact that the U.S. percentage of GNP devoted to defense purposes is much greater than our allies and continues to increase as that of our allies has declined. It has also been pointed out that during the same period our European Allies have consistently maintained a smaller proportion of their population under arms.

What still remains at issue is what are the reasons that these costs remain so high, and are these adverse costs balanced by a comparable combat return to our overall national security. I would like to examine some aspects of the reasons for the costs and relate them to combat return. In Central Europe the heart of our conventional combat forces are four and one-third Army divisions. Each of these Army divisions at full strength contains around 16,000 soldiers. The divisions in Europe have seldom, if ever, been at more than 90 percent of full combat strength. According to the Department of Defense these divisions at full strength are authorized 64.6 thousand soldiers. But since the four and one-third divisions have been reported by the Department of Defense to be at only 90 percent of full strength they do not have more than 59,000 soldiers assigned to them. To support these four and one-third divisions under present planning and Army Tables of Organization, the Department of Defense has indicated that there are in Europe an additional four and one-third initial support increments (ISI) of 16,000 men each and two and one-third sustaining support increments (SSI) of 16,000 men each. The Department of Defense has also stated that there are 88.1 thousand men in these ISI and SSI units (at full strength they should contain about 97.2 thousand soldiers). The commander of the U.S. Seventh Army in Europe has stated that he has 170,000 military personnel assigned to that Army. This means that there are at least an additional 22,900 soldiers assigned to the Seventh Army but not serving in the understrength four and one-third divisions or their sustaining forces.

The majority of the soldiers serving in the ISI and SSI do not fight, their principal mission is maintenance, repair and supply. And within each of the four and one-third combat divisions there are an additional 8,000 or so soldiers who also do not fight and are involved in similar command or support duties. Broken down to basic combat terms this means that out of the 48,000 (16,000 in the division plus 32,000 sustaining it) soldiers required to put a present day U.S. Army division into the field less than 9,000 finally deliver fire on the enemy in defense of our national security. And the two and one-third SSI elements now in Europe are not performing support operations for the divisions. These elements are performing peacetime housekeeping functions such as base operations, repair, maintenance and utilities, and the operation of services for the nearly 200,000 dependent population in Germany with our soldiers. In the event of combat these SSI units have to prepare to make a transition from their peacetime functions and later move to the field to begin supporting the combat divisions. Because of this need for peacetime support the Commander of Army forces in Europe has contended that combat rather than support forces must be withdrawn in any reduction in Europe.

This is very little combat return for the tremendous costs that accrue to the American taxpayer in providing the four and one-third division force in Europe. There are today in Europe over 7,000 officers and enlisted men assigned to headquarter commands alone. Among this number are included 128 general/flag officers, or a ratio of one general/flag officer for each 2,343 soldiers assigned to Europe. Yet few, if any, armed forces units of less than 3,000 men are authorized a general or flag officer as a commander. The Congress could stop this type abuse by beginning to enforce the officer grade ceilings enacted in the 1947 Defense Reorganization Act.

All of this basically means that in order to achieve a conventional combat force of four and one-third divisions with an actual strength of about 59,000 men in Western Europe (of which less than 40,000 fire at the enemy in combat), the United States must pay in excess of $5 billion (and assume the adverse international balance of payments deficit in doing so) to station over 300,000 soldiers and 225,000 dependents there.

Furthermore, what are the probabilities that these conventional forces that cost us so dearly can accomplish the combat mission that we supposedly keep them permanently in Europe for? Assistant Secretary of Defense Roger Kelly has said, "We *assume* that the Soviets are deterred from attacking NATO by the high risk *that a conventional conflict* between NATO and Warsaw Pact forces *would escalate to the level of general nuclear war* and pose grave risks to the Soviet State itself." (Italics added.) In testimony before the Senate Armed Services Committee, Mr. Kelley stated the "threat" that our NATO committed forces face in these terms, *"While we do not consider an unprovoked aggression by the USSR likely,* the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and in retaining their hold on Eastern Europe. A crisis that *could* lead to a conflict *could* arise if the political situation substantially changed in a way which threatened the USSR. Such a crisis *could* escalate to hostilities. Whatever the immeidate cause, the crisis *could* trigger localized hostilities, or mobilization by the Pact and NATO." (Italics supplied.)

If we do not consider an unprovoked aggression likely then how can we envision "localized hostilities" (that remain local) being any more likely? And if a conventional conflict will admittedly escalate to general nuclear war what is the real purpose of four and one-third Army divisions stationed permanently in Central Europe? All Department of Defense spokesmen are careful to include the long-standing, but seldom noticed, caveats that always appear somewhere in their statements about the ability of U.S. conventional military forces to provide any form of successful conventional defense in Europe. I know from experience in writing them that these caveats always take two forms, "assuming a period of sufficient warning and military preparation by both sides" and "NATO has a major conventional capability after a period of mobilization." Both of these caveats are intended to remove the Defense Department from responsibility for what the conventional combat capability would be in the event of a sudden Soviet attack—which is a most likely result of "localized hostilities"—which do not permit time for pre-mobilization evacuation of the U.S. military dependents and troop reinforcement from the United States.

The facts are that in the event of a sudden Soviet attack without sufficient warning and a period of mobilization (usually considered as a minimum of 30 days in duration) the U.S. and NATO divisions must resort to almost immediate use of atomic demolition munitions and low yield tactical nuclear weapons to even hope to save themselves from destruction by the superior Soviet armored forces. Their battle plans include the early use of these nuclear weapons. Crucial to any form of defense is the ability of our tactical air forces to gain early air superiority. A U.S. Air Force general has evaluated this possibility in the terms of "we could either hope for a stalemate or defeat but not superiority." Without this air superiority and additional French airfields, it is highly unlikely that any Army divisions re-deployed to Europe by airlift would be able to land, even if the big lumbering C–141 or C–5A transports, filled with GI's, were not shot out of the air enroute by MIG's. It is more likely that sudden Soviet pre-emptive air strikes, conventionally armed rockets, or armored units would have knocked out all presently available airfields in the first few hours of battle.

Our costly four and one-third divisions stationed in Europe must receive early reinforcement by air if they are to survive even using tactical nuclear weapons, and yet the chances are that Russian tanks would be parked on most of the available air-landing sites a few days after any sudden attack on Western Europe. The United States taxpayer is and has been for the past ten years, paying for an out-dated concept of so-called flexible response that cannot be translated into reality. We are accepting very adverse balance-of-payments problems to maintain a top heavy State and Defense bureaucracy in position in Central Europe long after the time that it could perform the mission it was sent to accomplish.

This featherbedded "bureaucracy" should be reduced in the interest of economic and military good sense. In this same vein the presence of our two Army divisions that have been in Korea for over 20 years should also be reduced. They, like the European-based divisions, remain deployed under a concept that is no longer valid or necessary for our true national security. And they are far too costly for the combat return they make to our national defense.

The American people should not any longer be deceived into continuing to pay billions of dollars annually to maintain these bloated forces permanently deployed about the world. When they actually provide little real combat defense to our national security in return for the hard earned tax dollars that they cost.

If the number of U.S. forces in Europe were reduced from the present 300,000 to an Army Corps force of approximately 150,000 men, I believe savings in balance-of-payments costs in the range of at least $500 million could be realized. These savings could, I believe, be substantially more if certain practices our forces now follow in West Germany were changed and we consider the increased pay scales envisioned for our armed forces over the coming years against the background of a growing European inflationary trend.

This reduction could be accomplished in several ways. For example, 2⅓ European-based divisions and their sustaining elements plus Seventh Army and one Corps Headquarters and one armored cavalry regiment could be brought home and the headquarters and two divisions and their sustaining forces deactivated. This would be a reduction of about 90,000 soldiers from U.S. Army in Europe. It could be combined with a concurrent withdrawal of the 50,000 additional military command and support personnel such as couriers, communications men, etc., that are in Europe but not assigned to the European Command, along with the tactical air units assigned to support the 2⅓ divisions being withdrawn. Such a reduction would produce a proportionate lowering of balance-of-payments costs that we presently sustain in paying for construction, repair and maintenance of facilities these headquarters and troops use. It would reduce the amount of maneuver damage claims that must be paid when U.S. forces go on training maneuvers and damage trees or property of German citizens. And it would substantially reduce the number of dependents in Germany and thus reduce some of the outflow of dollars that many U.S. soldiers must spend on the German economy to house, feed, and entertain their families. Such a reduction would also gain the tactical flexibility of posturing a reinforced two-division U.S. Corps force in Central Europe. Such a force like the present 4⅓ divisions, could be reinforced if the required warning and mobilization period materialized before hostilities began. But in the event of sudden Soviet attack a repositioned smaller Corps force, unlike the 4⅓ division force, could be risked initially in U.S. national interests without an immediate need for the President to grant the use of tactical nuclear weapons to save a U.S. field army and nearly one-quarter of a million American women and children from capture or destruction. The deterrent symbolism of such a force would be as actually meaningful as the representative deterrent symbolism that 4⅓ divisions really provide. But with far less risk of the possibility of forced nuclear escalation or response to a Tonkin Gulf form of "localized" hostilities. It has been estimated the withdrawal and deactivation of two mechanized divisions and their sustaining elements, now stationed in Europe could result in annual savings of at least one billion dollars. For each soldier removed from Germany an approximate saving of $1,650 in individual expenditures on the European economy can be realized.

Another way to reduce the overall costs, but not the balance-of-payments deficits, would be the deactivation in the United States of one of the divisions maintained here but earmarked for use in Europe, along with its ISI and SSI forces. This could be accompanied by a deactivation and transfer of the mission to the Army Reserves of ⅓ of each of the ISI's and all of the SSI's for the remaining two divisions that are maintained in the U.S. for reinforcement of forces in Europe. At the same time the 50,000 non-European Command troops in Europe could be brought home along with some of the excess headquarters personnel that are presently there. This reduction would leave the same combat force structure in Europe. But since the SSI elements that support the divisions normally are not vitally essential to combat operations for a period of around 60 days (and the conventional war would have probably turned nuclear by then anyway) these elements need not be on standby active duty in the U.S. Their functions of heavy rebuild, repair and maintenance are very close to civilian skills and their mission could readily be assimilated in Army Reserve Units that could be called to active service and if needed, follow the divisions to Europe within 60 days.

Assuming the U.S. based division and ISI and SSI units are maintained at least at 90% strength this would be a troop reduction of approximately 82,000 men in the U.S. For example, it costs about $35 million a year less to maintain an armored division and its sustaining elements on active duty in the U.S. than Europe (it has been estimated that it costs approximately $185 million to maintain an Army division on overseas peacetime active duty for a year). This size reduction plus a reduction of 50 to 60,000 headquarters and support troops from the non-European Command forces in Europe, would represent a sizable reduction in the total costs of our overall European troop commitment without reducing the so-called combat forces presently stationed there.

This solution has particular merit when considered in the context of the practical impossibility of being able to safely land airborne reinforcements in Europe in the event of a sudden Soviet conventional attack, and the high probability that any conventional "localized hostilities" or "probes" would have escalated to general nuclear war before these divisions could be airlifted to Europe even assuming they could be safely landed. It makes little military or financial sense to continue to spend millions of tax dollars annually to maintain these 3⅔ divisions in the U.S. to influence a mission in Europe they cannot safely arrive here in time to have any substantive effect on.

Just as it makes little military or economic sense to continue to maintain a field Army headquarters, a Corps headquarters and a logisical command to command and support two under-strength Army divisions and their sustaining units in Korea nearly 20 years after the fighting ended there. The South Korean Army—trained since 1949 by a U.S. Military Advisory Group and equipped by U.S. Military Assistance Funds—numbers over 600,000 soldiers. Yet this Army still theoretically needs a U.S. Army division to stand guard on its border with North Korea, even though the North Korean Army numbers less than 500,000 men and there are no Soviet or Chinese divisions guarding the North Korean border. These U.S. forces should after 25 years, be withdrawn from South Korea, or at least reduced in size and cost, and placed in reserve from guarding the South Korean border where young Americans can be gunned down almost at will by North Korean snipers.

In South Vietnam all but two of our combat divisions have been withdrawn and those two divisions are in the process of standing down for withdrawal. Despite this fact over 200,000 U.S. Command, support and advisory personnel still remain in South Vietnam. Obviously, the ISI's and SSI's of the withdrawn divisions were not removed with the division, nor has the component command U.S. Army Vietnam and five Corps headquarters been withdrawn. Nearly the same basic infra-structure that was required to support 525,000 U.S. Armed forces personnel at the peak of the fighting is still in South Vietnam. This means different things to many people. It should tell the American people that the South Vietnamese Army must require even at this late date, a tremendous amount of U.S. Command and logistical support to prop it up and keep it fighting. This does not cast a very favorable light on the possibility or probability of any early or indeed any, total American withdrawal from South Vietnam. It tells the North Vietnamese military commanders that the U.S. has withdrawn its mobile, quickly returnable combat units, but has not as yet removed any substantial part of its logistical infra-structure that they know is the real key to whether U.S. units can enter an area and fight or not. The North Vietnamese military are probably going to be quite skeptical about our real intention of totally leaving South Vietnam until they see a substantial part of the tremendous U.S. command and support infra-structure being withdrawn. They also have read in our newspapers that the U.S. Army is considering 18-month tours for U.S. Army advisors to be assigned to South Vietnam (with their families), and this may make them doubtful of the true intent of the Nixon Doctrine.

In sum I do not see that there will be anything like a total U.S. military withdrawal from South Vietnam over the next five to ten years. And I do not therefore foresee a total lessening of our budgetary and balance-of-payments costs in Southeast Asia as a result of a so-called winding down of the war. A Korean style solution with a residual force of 40 to 50,000 U.S. servicemen in South Vietnam for an indefinite period into the 1970's and 1980's, appears to me a much more likely event under our present policies. This "residual base force" will generate in my estimation, about the same level of costs and balance-of-payments problems that we have experienced in Korea over the past 20 years. We are embarked on that same road now in South Vietnam.

And the taxpayer will be expected to assume the unseen, but nonetheless just as real, costs of turning over to the South Vietnamese Government (with little or no reimbursement), billions of dollars worth of U.S. supplies and equipment that the taxpayer has already paid for with his past taxes. These mountains of supplies and tons of heavy equipment will be too costly to bring home and will be given to the South Vietnamese Government, or we will be marginally reimbursed in inflated South Vietnamese currency at the current relatively unfavorable rate of international exchange. In any event a lot of the costly equipment will inevitably wind up on Japanese scrap piles and the U.S. taxpayer will have already assumed the costs of buying new defense equipment to replace it.

In my estimation, it is our insistence on maintaining featherbedded military forces that are excessive to our real national security needs, and over-defending against inflated threat analysis that keep the U.S. taxpayer constantly paying for more defense that he needs and paying too much for the defense he gets. The out-dated, worldwide deployment of these same military forces is a major contributor to our enormous defense budget and chronic balance-of-payments problem. It seems to me that what should be done about it is to cause the Armed Services to structure and equip themselves more responsibly and austerely for combat, and to stop scattering them all over the world with missions they cannot hope to legitimately accomplish—and which in truth have no direct relationship to the real combat defense of our country. It is past time that we Americans quit kidding ourselves with delusions of military and economic grandeur. We are a great and powerful people, but we cannot run the world. We do not have the means to answer every world problem. And it is now time that we put our energies and our money more to the tasks of solving our own urgent domestic problems than maintaining a far-flung em-

pire of military bases that get us enmeshed more in the affairs of others than in protecting the security of all Americans.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. PERCY. Under the unanimous-consent agreement, I must yield at this point, but I will have 12 minutes later, and I will be happy to yield to the distinguished majority leader at that time.

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the Chair recognizes the Senator from California for not to exceed 15 minutes.

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## TRIBUTE TO FRANK SINATRA

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from Illinois (Mr. PERCY) for yielding time to me and to the Senator from Minnesota (Mr. HUMPHREY), so that we can take care of the business at hand, which is most enjoyable for me.

It is a great pleasure to be able to make a few remarks at what I consider to be a very important occasion for the people of California and for the country; namely, the retirement of a man whom I consider to be the greatest entertainer the United States has ever had—Frank Sinatra.

Earlier this month, in Los Angeles, at the Los Angeles Music Center, Frank Sinatra made his last public appearance. It was a show that featured many glamorous names in show business, but Sinatra's as always, stood out.

His career has been well chronicled.

Millions of people throughout the world have followed his fortunes for almost three decades; and during almost all of that 30-year period he has stood at the top of his profession. His talents always have been unequaled.

In the movies, Frank Sinatra is an Oscar winner, a producer, a superstar. In television, his rare appearances have guaranteed that there would be a grace and a talent that few other entertainers could provide. Of course, in the recording world, Sinatra is an unrivaled institution whose songs will have deep meaning for decades to come.

In short, the man is a master of the performing arts. But there is more to Frank Sinatra than just a voice or a fleeting image on television or in the movies. The essence of Frank Sinatra is Sinatra the man, a man of deep feeling, a man who in a thousand silent acts has worked to better the lives of those around him.

To some people he knew well and to others he did not know at all he has been, in a sense, legendary in his good deeds on their behalf. He has been particularly generous to persons whom he has never even met. For example, the widow of a policeman who was killed in Latin America, will have financial security for the rest of her life as a result of what Frank Sinatra did for her. He had never known her but he was moved by reading about her plight in the newspapers.

Thus, whether it is helping children in America or in Europe or in Mexico or in Israel, whether it is building a hospital or a community service center, Frank Sinatra has always been there helping and doing so without fanfare.

He has helped many people both in the entertainment world and out of it. He has helped those who have had good fortune and he has helped those who have had bad fortune. He has helped those who have had no record of fortune whatsoever to achieve good fortune.

The reason he has done all this is that he cares about people.

The name Sinatra symbolizes more than just a star or a legend. It symbolizes a man of genuine warmth and compassion.

Frank Sinatra has had a deep interest in politics all his life. His support of various candidates has been bipartisan. In the last election in California he supported the gubernatorial candidate who was a Republican and the senatorial candidate who was a Democrat. That has been the history of Sinatra. He works for the man he can believe in.

Frank Sinatra's mother was a member of the New Jersey State Assembly for 4 years, the only woman to serve in the assembly. So we can see how he comes by his love for politics.

Several weeks ago, I remember talking to his mother about politics and she said that in her ward in New Jersey she won the election with a 100-percent turnout for the Democrats. When she said that, I felt like wrapping her to my soul with hoops of steel because that is the kind of political action that I believe in. She also said that during her younger years she would dress as a boy and go with her brother to visit my father's training camp in New Jersey and how much she used to enjoy the prize fight game. I think that is reflected in her son because he had quite a few amateur fights himself. He was a good fighter.

Accordingly, Mr. President, I rise today with mixed emotions to salute Frank Sinatra on his retirement from show business. I am saddened because we are losing a great talent, a man who has brought music into the lives of so many men and women, yet a man who will now be able to dedicate his full time and energy to the things that interest him most—that is, helping other people; to teach, to be able to study, to be able to help where help is needed.

I rise to salute his fabulous career. I rise to salute a man who has brought joy to the hearts of so many.

Mr. CANNON. Mr. President, will the Senator from California yield?

Mr. TUNNEY. I am happy to yield to the Senator from Nevada.

Mr. CANNON. I should like to associate myself with the tribute being paid to Frank Sinatra by the distinguished Senator from California.

Frank Sinatra is not technically, perhaps, one of my constituents, as I represent the great State of Nevada, the entertainment capital of the world, but he spent probably as much time in my State as he did in any other State. He certainly brought great fame to Nevada and to the entertainment business there. Countless times he played there. I do not believe there is any entertainer who drew a comparable crowd to the entertainment centers of Nevada as did Frank Sinatra.

On many occasions, on returning to Nevada from Washington, when Frank Sinatra would happen to be entertaining there, some of my friends in the hotel and show business would tell me that they had received calls for reservations not only from people all over the country but also from people in foreign countries, who wanted to come to Nevada in order to hear Frank Sinatra.

He is a great legend, I think greater than any other entertainer in the State of Nevada.

I, for one, regret very much that he is retiring. We all know that there are many people who say they are retiring and then they have a change of heart later on and come back and become active again in their chosen profession.

I would hope that this would be the case with Frank Sinatra because he is truly a great entertainer. It would be a great loss, indeed, to the country, were he permanently to retire, to deprive the people of this country of the great talents with which he is endowed.

I join my colleague from California in paying tribute to a great entertainer.

As I said, I hope that Frank Sinatra will reconsider retiring so that millions of his countrymen may continue to be uplifted by his rare talents.

Mr. TUNNEY. I want to thank the distinguished Senator from Nevada for his comments.

Mr. CRANSTON. Mr. President, will my colleague yield to me?

Mr. TUNNEY. I am delighted to yield to my colleague from California.

Mr. CRANSTON. I am delighted that the Senator from Nevada (Mr. CANNON) did not claim Frank Sinatra. We in California are delighted to share him, but we claim him as our own.

I am glad to join my colleague and others in paying tribute to Frank Sinatra—a great entertainer, whose voice has spanned the generations and whose singing and acting talents gave countless hours of pleasure to countless millions of people throughout the world.

Frank Sinatra will always be remembered with warmth and affection as long as people like entertainment and entertainers.

Unlike old soldiers, great entertainers never fade away. Their music goes on forever. The music of Frank Sinatra will go on forever.

Some may say that Frank Sinatra is all voice. Those who know him well know that he is really all heart. They also know that he is all guts.

My first memory of Frank Sinatra does not go to his voice—I do not know when I first heard his magic voice—but to his guts.

Long ago, in 1944 I believe it was, before I had gotten involved in politics, I went to a rally in Madison Square Garden in New York, at a rather climatic moment when the Democratic Party was trying to draw itself back together after a time of great disruption.

There was a dramatic moment at the rally—I was sitting in the last row with my wife—when Henry Wallace and Harry Truman walked in, arm in arm,

after a great division between them and the Democratic Party and they were now appearing together. That walking in was one of the great moments not only of the rally but also of the historic election of that year.

The other great moment at the rally was when Frank Sinatra walked on stage. Before he sang, he said that this was the first time he had ever done anything like that, that there were many who told him it would ruin his career because singers and actors are supposed to stay away from appearances like that, but he said that he believed so deeply in the cause that brought him there, that if it meant the end of the entertaining phase of his life, then so be it, but he was there to do what he felt he could do for his country at a moment of great challenge.

I have never forgotten the Frank Sinatra of that moment as he electrified his audience, first by his remarks and then by that incredible voice as he sang to those not only gathered there but out across the country by radio.

That is the Frank Sinatra I will always remember. That is the Frank Sinatra that this country will never forget.

Mr. TUNNEY. Mr. President, I thank the senior Senator from California, my distinguished colleague, for his brief comments.

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

Mr. TUNNEY. Mr. President, I yield to the distinguished senior Senator from New York

Mr. JAVITS. Mr. President, this is a very felicitous occasion. I have known Frank Sinatra personally and I have known him for a good many years as a friend. I rise today to join in the tributes paid to him for a reason that is perhaps rather unique in my acquaintanceship and friendship with him. I feel that, though he is retired from the show business, perhaps as the Senator from Nevada (Mr. CANNON) has said, it may be only temporary. But he certainly has not retired from life. On the contrary, I feel that he has retired from show business to take a more active part in life. I feel that his impulses and motivations will lead him into a higher role for our times. And I welcome this greatly.

One thing he has taught us, and that is that American life notwithstanding its materialism, can also be romantic and have elements of sympathy that appeal to the rank and file of our people.

I know of no person more able to express the joys and the happiness of the day-to-day life of Americans than Frank Sinatra. He is also able to express manly character.

His greatest success is that "I did it my way." Any man, woman, or child in this country who hears that song can be fully satisfied, because it epitomizes the feelings in the hearts of millions and millions of Americans.

I am so pleased to be his friend and be able to pay tribute to him today.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from New York.

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

Mr. TUNNEY. I yield to the distinguished Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the opportunity to join the distinguished junior Senator from California (Mr. TUNNEY) and other Senators in paying tribute to Frank Sinatra.

It has perhaps not been my opportunity to know the honoree personally for as long as have those who have spoken before me. However, I would like to pay tribute to Frank Sinatra, as a man who has made a great contribution to his fellow man as well as to the field of entertainment. For I believe that the fields of entertainment and public service often overlap.

During my past 9 years in the Senate, I have realized that many people think of public figures only as entertainers.

Certainly there have been moments during some of our more unorthodox debates on the Senate floor when one might have said, "Here are those who are the top doers, stars in the entertainment field." However, as I have had a chance to get to know these "stars" personally, I have discovered that they are all deeply committed to that which is going on around them and that they have a deep sense of social consciousness.

Since I have had the chance to spend some time in California in the last year or two, I have also had the chance to view Frank Sinatra's personal concern and participation in the political process. Of course, I have always been an admirer of Frank Sinatra as an entertainer, a singer, and actor; today I would like to commend him for having given so much of himself to accomplish things for his fellow man.

Mr. TUNNEY. Mr. President, I thank the Senator from Indiana for his remarks.

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, may I first yield to my good friend, the distinguished Senator from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. President, I thank the Senator from Minnesota for yielding to me.

Mr. President, I just want to say in conclusion that I think the one thing that has come out during the discussion we have had here today is that Frank Sinatra is a person who is not only great but who has also shown great persistence and perserverance.

The other night, knowing that I was going to be making these remarks today, I went to one of my favorite poems. I thought it might be appropriate to read it today as an example of what Frank Sinatra's career has meant to me.

The poem is by Robert Frost.

ON A TREE FALLEN ACROSS THE ROAD

(To Hear Us Talk)

The tree the tempest with a crash of wood
Throws down in front of us not to bar
Our passage to our journey's end for good,
But just to ask us who we think we are

Insisting always on our own way so.
She likes to halt us in our runner tracks,
And make us get down in a foot of snow
Debating what to do without an ax.

And yet she knows obstruction is in vain:
We will not be put off the final goal
We have it hidden in us to attain,
Not though we have to seize earth by the pole

And, tired of aimless circling in one place,
Steer straight off after something into space.

Mr. President, as far as I am concerned that is representative of Frank Sinatra's career. He was not going to be impeded in his career. He learned a new way of presenting his talents and became one of the most luminous of stars. In my opinion he still represents a brilliant star off in space.

Mr. HUMPHREY. Mr. President, I am very pleased today to have the opportunity of associating myself with the remarks of the distinguished junior Senator from California and others concerning a dear friend of mine who is truly a noted American and a man of great personal talent and achievement, Francis Albert Sinatra, commonly or generally known by friends and the general public as Frank Sinatra.

I compliment the Senator from California on his message and his words today, because they come with a great sense of sincere warmth and friendship which will touch the heart of Mr. Sinatra.

The measure of a man is interpreted in different ways. Viewed by close friends, casual acquaintances, or those who become aware of his purpose in life by chance, he may often appear to be many things to many different people.

Without a doubt, those rare individuals who emerge as stars of the entertainment world are unique in our society inasmuch as they have been cast in a role that is in many ways bigger than life.

As professionals, their highly developed talents have provided the most delicate link for a most personal communication to our hearts, our minds, and our emotions.

The term "star" itself is indicative of the honors we have given to such a gifted personality. Webster defines "star" as "a person of brilliant qualities who stands out preeminently among his fellows." The definition is highly applicable and exceedingly accurate in this case. But one is prompted to wonder if this explanation is at times a bit too generalized to cover everyone privileged to wear this mantle or this title of star.

It is of great credit to the entertainment industry that on many occasions one of their members rises beyond stardom to become, as the Senator from California has put it, a legend in his own lifetime. I take just a moment to thank the entertainment industry for having produced great stars who give of their great talents.

When a person becomes a legend in his lifetime, he typifies the fabled American success story which has been repeated around the world since the days of our Founding Fathers. He is a legend, because he has displayed a sincere interest in humanity which drives him to use his talents, prestige, and unrelenting trust to stretch out a hand and help his fellow man whenever he encounters a need.

This, without question, is a noble extension of stardom in the performing arts and far too often such generosity goes unrecognized and, indeed, without thanks.

Like many Americans, I was saddened to learn of the retirement of Frank Sinatra because this man is so vigorous, so vital, so much a part of the American scene; he is a remarkable man and a star in his own right, and a legend whose touch reached far beyond the footlights.

Sinatra gave and continues to give, and will continue to give for years to come far more than the abilities with which he was blessed. His talent was a magical instrument with the power to help the unfortunate and the infirmed as well as to mark the memorable milestones in the international world of entertainment.

I notice his career included 58 top films, one of the leaders in the film industry, 100 or more albums, more than 2,000 individual recordings and, as has been said, he has been a remarkable star of stage, screen, television, and radio, and of the entertainment field.

I was much impressed with what the Senator from California (Mr. TUNNEY) had to say about Frank Sinatra's other work; for example, his remarkable generosity in helping the unfortunate. This must be a matter of record and history in our country. That generosity extended to many lands, not only to the needy and unfortunate in America but also in Europe, Latin America, and Israel.

Children in America, Mexico, England, Europe, and the new land of Israel have found someone who cares, because of his charitable efforts. A medical center functions to serve people of all ages, due largely to his generosity; and a teen center has recently opened its doors because of the concern Sinatra feels for his community. The deeds of this man seem endless. The moneys he has raised for a wide assortment of charities spiral to astronomical proportions. Most importantly, his concern for mankind is sincere.

I know of his great contributions to education and his generosity in sharing his wealth of talent, as well as his wealth of resources with our great educational centers.

Mr. President, I know of something else I want to record here today. Back in the days of World War II when there needed to be a voice to the young to talk about fair employment practices, or for minorities, that young man who went to the high schools and colleges was Frank Sinatra—not to sing, not to entertain, but to educate, to lead. I know that no man in the entertainment field has done more in the field of human rights; and I know that there are literally millions of people in America today who are better off because this star, this gifted man, used his talents, his fame, his ability, and his resources to speak up for the black man, for the Mexican-American, for the Puerto Rican, for the minorities in every group, a man who had a tremendous following, who spoke for the little people and, indeed, fought for them.

He will be remembered for help to children, he will be remembered for help to education, he will be noted in the annals of American literature, in our press, and in our media for his stalwart courageous stand for human rights. He will be remembered, because he stood by a President like Franklin Delano Roosevelt and like Harry Truman. He was one of the strong campaigners for Adlai Stevenson, a man that I believe brought great honor to American politics, a man who, in defeat, won a great victory for human decency in American political life.

We will remember that Frank Sinatra was a close personal friend of John Kennedy and he did a great deal to help him get elected; and he was a friend during President Kennedy's term in office.

He worked to help President Johnson and he worked to encourage people to vote and register.

I recall in 1964 and in 1968 Frank Sinatra went from city to city under the sponsorship of bipartisan groups and nonpartisan groups offering himself and his great talent to raise thousands of dollars to promote voter registration so people could make a choice. This man did as much, or more, to register voters and to further the registration process as fundamental to politics as any man in our country.

Mr. President, I conclude by saying that Frank Sinatra comes from a family that has always been interested in politics. His father was a hard-working man, born in Hoboken, N.J. As the Senator from California noted, his mother actively participated in politics. His mother wanted Frank Sinatra to be an engineer or a doctor but his talents took him in a different direction, the direction of an entertainer and singer.

He never forgot the neighborhood from whence he came. He has never forgotten the people who helped him along the way. He has been true to his friends, and the quality of loyalty is one of the greatest qualities that this man has had and continues to have.

So I am happy today to join with the Senator from California (Mr. TUNNEY) and others in paying my personal respects to a friend, to a gentleman I have been privileged to know, to a man who has helped me and who has never asked for a thing. All he has ever done has been to say, "Do a good job." He has never sought a personal favor; he has never asked for anything for himself, but has asked that the Congress of the United States and the Government of the United States be concerned with the well-being of people, and all people.

A "star"—a "legend"—yes, both are applicable to Frank Sinatra for they set him apart from all others. Today, however, I feel he may particularly enjoy not being hoisted to such lofty heights for he will henceforth enjoy a rare privilege one can only find in America—the life of a private citizen.

I am very pleased that some of us today are going to have a chance to be with him, not as a star and politician, but as friends and neighbors.

Mr. PERCY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I notice that the distinguished Senator said that Frank Sinatra's interests have always been bipartisan in many respects. I would like to say that one Member of the Senate who had a deep affection for Frank Sinatra was the distinguished former minority leader, Everett Dirksen, who, I think we could say, had always been in show business, in the best sense of that term.

After Everett Dirksen's death a dinner was held in Washington, and Frank Sinatra was invited to appear. I must say that he broke every engagement he had to be there. He did appear, and his presence was absolutely magical. It was dramatic. Nothing meant more to Louella Dirksen, to our colleague Senator HOWARD BAKER, to Joy, Senator Dirksen's daughter, and to his grandchildren, than that wonderful, wonderful performance. It was evident that the performance came right from Frank's heart, and was filled with the spirit of a man of great compassion and tremendous talent, the spirit of a man who willingly gives so much of himself.

I am happy and pleased that our distinguished colleagues, the Senator from California (Mr. TUNNEY) and the Senator from Minnesota (Mr. HUMPHREY), saw fit to reserve this time so that those of us who have admired and respected the talent and life of Frank Sinatra, and the way he has given that life to so many causes, could pay tribute to him.

Mr. HUMPHREY. The only competition that I knew Frank Sinatra to have was from our late friend, the distinguished minority leader, Everett Dirksen, a man with tremendous talent.

It has been my privilege to know Frank's children, Nancy, Teena, and Frank, Jr. I cherish that friendship, particularly with his daughter Nancy, who has been a very close personal friend of mine. I hope to read what she is writing about her father. I think the title is "Gentle Man." I know it will be beautiful, because it comes from a daughter who loves her father dearly.

Mr. PELL. Mr. President, of all the resources of our planet, and our Nation, none is so rare, so scarce, and so valued as human talent. I am delighted today to join in tribute to Frank Sinatra, a man whose rare talents have brought joy to millions of persons throughout the world.

Indeed, I think there is in this country scarcely a person who does not cherish in his heart at least one memorable performance by Frank Sinatra. The legacy of his art is indeed an indelible part of our national cultural heritage.

Less well known than his performing talents are Frank Sinatra's compassion for those less fortunate, and his work and generosity on behalf of charitable and humanitarian concerns. In his personal and public life, he has been in the forefront of the struggle against discrimination and on behalf of human tolerance.

His decision to retire is a great loss to the performing arts. I join with his millions of fans in wishing him well.

Mr. MUSKIE. Mr. President, for an entire generation, popular music has meant Frank Sinatra. The voice, the face, and the style combined to make him

"The Man." His help in the HUMPHREY-MUSKIE campaign of 1968 is something I will never forget. I am sorry to see him retire—but he has earned his new life. I hope he enjoys the time of reading and thinking and friendship—what Adlai Stevenson called sitting under a tree and watching people dance. And I suspect we are all deeply grateful for the miracle of recorded sound. It means that Sinatra will always be with us.

I am glad Senator TUNNEY brought him to the Senate today. And I know my wife and children envy my chance to have lunch with him.

## ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Illinois is recognized for 12 minutes.

## CURRENT STATUS OF PERMANENT CHANGE OF STATION COSTS

Mr. PERCY. Mr. President, today I want to make a report to the Senate on the current status of the permanent change of station costs of the Department of Defense.

It is normally the practice of the Congress to look ahead at what we can do in the future; the money we can save or spend next year. We legislate prospectively, and too infrequently are we able to audit what we enacted last year to see if it has failed or succeeded.

As is evident to those of us who serve on the Government Operations and Appropriations Committee, the Congress does have a responsibility to oversee how our tax dollars are spent. It is with this thought in mind that I today offer to my colleagues a follow-up report on action that we took last year.

Last August 21, I offered Amendment No. 818 to the DOD authorization bill. This amendment called for at least a 25-percent reduction in expenditures for PCS—permanent change of station—moves in fiscal year 1972, as compared with such expenditures made during fiscal 1971. PCS moves basically involve the rotation of military personnel from assignment to assignment.

In the bill reported from the Senate Armed Services Committee, $1.3 billion was earmarked for PCS moves. A total of $460 million was for rotation of servicemen after 12 months of duty in Southeast Asia; another $300 million of the total was to go toward the normal cost of training and separation, and the remainder, $559 million, for other PCS moves. My amendment did not affect the costs of rotation of servicemen from Southeast Asia or the normal costs of training and separation. It called for at least a 25-percent reduction in the remaining costs of $559 million—or a reduction in this account of $140 million.

As it turns out, the estimate of a savings of $140 million was too conservative. I am pleased to report that the estimated savings in PCS costs between fiscal year 1970 and fiscal year 1972 will be more than $318 million.

Mr. President, I ask unanimous consent that the text of that amendment be printed in the RECORD at this point.

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

AMENDMENT NO. 818

At the end of the bill add a new section as follows:

"SEC. 507. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time. The Secretary shall achieve not less than a 25 per centum reduction in such expenditures in the fiscal year beginning July 1, 1971, and in each fiscal year thereafter, as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970, taking into account the relative number of men in military service during such fiscal year and other relevant factors. The provisions of this section shall not apply with respect to the assignment of military personnel in combat zones or with respect to so-called fixed expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense."

There are three reasons for my offering the amendment.

First, morale: By lengthening tours, there would be less frequent moving from base to base. Consequently, military families would have the opportunity to enjoy a greater degree of stability. Too frequent moves hurt morale of families. This amendment would actually help reduce the high rate of termination of personnel from the military services.

Second, economy: By reducing PCS moves by just 25 percent, a saving of approximately $140 million a year could be realized.

Third, efficiency: Most organizations in the private sector that rotated personnel as frequently as the military services would be bankrupt. The practice was overdone, wasteful, and inefficient as carried out. Officers were being moved from assignment to assignment in an apparent effort to give each member of the Armed Forces enough expertise to become a member of the Joint Chiefs of Staff. Personnel were moved so frequently that job efficiency suffered severely.

It was my feeling that the armed services should allow a man to stay in a job a longer length of time, learn that job well and develop expertise that would offer advantages to the military and himself. I felt he should be transferred only when it would mean greater efficiency and higher morale.

As support for this position, I quoted from the Fitzburgh Report—the Blue Ribbon Defense Panel Report—dated July 1, 1970.

Mr. President, I ask unanimous consent that the portion of the Fitzhugh Report in section III dealing with the practice of transferring officers be printed in the RECORD at this point.

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

FITZHUGH REPORT

Officers and enlisted men are rotated among assignments at much too frequent intervals.

It is clear from the evidence that the rotation practices which have been followed result in (a) excessive and wasteful cost, (b) inefficiencies in management, and (c) difficulty in fixing responsibility.

A staff study of Army, Navy and Air Force promotions to General Officer and Flag rank in 1969 revealed this situation: there were 174 officers in the group and their average service was 24 years; these officers had been given 3,696 assignments, or an average of 21 per man; the average duration per assignment was 14 months. Looked at another way, the average officer had spent: 8 years in Operational assignments, 5 years in Service Schools and other educational assignments, and 11 years in Staff assignments.

Although this is a relatively small sample, there is no reason to believe that it is not reasonably typical of the prevailing career pattern of all military officers.

It is recognized that some assignments must be of limited duration: for example, operational assignments to hardship or combat duty. School assignments also are of limited duration as these are determined by the length of the course. However, in the case of the other assignments, there are no such inherent limitations.

The driving force in almost all of these assignments (combat assignments excepted) is to give the officer a wide variety of exposure as an aid in his training and development. The problem is that the requirements of the job seem to be secondary to the career pattern which has been mapped out for the officer.

This system of rotation of officers leads inevitably to deficiencies in management. Officers assigned for such limited periods simply cannot acquire a knowledge of the work, become familiar with the qualifications of the people, make plans, set goals and push the work ahead.

This system of rotation not only fails to provide management and leadership needed on the job, but also has deficiencies in accomplishing its stated purpose—the development of the officer himself. Men are not developed by being observers; they must have responsibility to assure growth.

From the point of view of the position to be filled, as well as in the best interests of the officer himself, his job assignments should be of sufficient duration so that he can become thoroughly involved in the work and be fully responsible for results.

There is merit in giving to officers opportunities in a broad spectrum of military responsibilities. Nevertheless, under existing conditions in which technical or professional training in areas other than commanding men have become of increasing importance, the Services' current rotation policies and rates are counter-productive.

In the technical and professional areas, the rotation rules often call for rotation of an officer out of an assignment at a very critical point in the job he is performing. In addition, when an officer is rotated out of a technically complicated job, his replacement often either comes at the time of rotation or later, and therefore, does not have an adequate opportunity to acquire the necessary background before his predecessor leaves.

Mr. PERCY. My amendment was accepted on the Senate floor last year by rollcall vote of 69–0, helped greatly by the act in support of Senator STENNIS and Senator GOLDWATER. One slight modification was made. The words "or hardship areas" were added to make it clear that the reduction in PCS costs did not apply to combat zones or hardship areas.

CONFERENCE COMMITTEE ACTION

The members of the conference committee from the House, while concurring fully with the general objectives of the amendment, felt that lack of stability in the size of the Armed Forces and the U.S. commitments in Southeast Asia made acceptance of the Senate language impractical at that time. Therefore, that portion of the Senate language requiring specified reductions in expenditures was deleted by the conferees. The final conference version, which the Senate passed on October 1, 1970, simply called for the Secretary of Defense to promptly initiate new procedures with respect to domestic and foreign permanent change of station assignments for military personnel.

Mr. President, I ask unanimous consent that the portion of the statement of the House managers dealing with this amendment be printed in the RECORD at this time.

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

LIMITATION ON PERMANENT CHANGE OF STATION ASSIGNMENTS

Included in the Senate language as Section 509 was a Senate floor amendment which directed the Secretary of Defense to initiate new procedures aimed at reducing the expenditures in connection with permanent changes of station for military personnel.

The language of the Senate amendment also directed that there be effected "not less than a 25-percent reduction" in expenditures for permanent changes of station assignments beginning July 1, 1971, "and in each fiscal year thereafter."

The Department of Defense, in commenting on this Senate action, maintained that the enactment of this provision would "present extreme administrative and budgetary problems, as well as problems in manpower programs, especially considering the short time allowed for compliance and the turbulent situation with respect to military manpower."

The Navy advised the conferees that enactment of this provision would have a devastating impact on its already austere ship to shore rotation policy. Among other things, the Navy pointed out that—

"The Navy is a sea duty oriented force and must provide a relatively equitable opportunity for shore assignments because of the privations associated with duty at sea. There are aproximately 335,000 enlisted and 37,000 officer sea billets compared to 151,000 enlisted and 41,000 officer shore billets. Increasing tour lengths of duty ashore would require disproportionate extensions at sea. There are 36 "deprived" enlisted ratings, comprising 46% of the enlisted population. Men in these ratings now spend 12 to 16 years at sea during a normal 20-year career."

The House conferees fully concur in the general objectives of the Senate language. The conferees were unanimous in their view that the Armed Services frequently require military members to change duty assignments without any genuine military requirement for such transfer. These frequently unnecessary permanent changes of assignment are essentially due to either outmoded service policy or poor management, and simply result in unnecessary expenditures of millions of dollars while at the same time causing great inconvenience and hardship to service families.

On the other hand, the House conferees concede that lack of stability in the size of the Military Establishment and the personnel movements required by our commitments in Southeast Asia and other parts of the world make acceptance of the Senate language impractical at this time. Therefore, that portion of the Senate language requiring specified reductions in expenditures was deleted by the conferees.

The House therefore recedes from its objection to the Senate amendment, with an amendment that reflects the sense of Congress that the Department of Defense must initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel.

Mr. PERCY. The final language adopted by the conference committee and enacted into law as section 508—Public Law 91-441—is as follows:

"In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time."

Additionally, the fiscal year 1971 PCS budget requests of the military services were reduced 10 percent.

Today, I want to make a report to the Senate on the status of PCS moves in the military since passage of that amendment.

I have recently met with a senior military member of each of the military services:

Maj. Gen. R. J. Seitz, Assistant Deputy Chief of Staff for Personnel, U.S. Army.

Maj. Gen. J. B. Kidd, Director of Personnel Planning U.S. Air Force.

Vice Adm. D. H. Guinn, Deputy Chief of Naval Operations (Manpower and Naval Reserve).

Maj. Gen. E. B. Wheeler, Assistant Chief of Staff, G-1, U.S. Marine Corps.

Col. H. M. Maness, Office of the Assistant Secretary of Defense, Manpower and Reserve Affairs.

Lt. Col. A. S. Cannon, Jr., Deputy Director, Legislative Liaison, Department of Defense.

Their candid, detailed explanations were most helpful to me and it is my pleasure to make known to all Members of the Senate the status of this matter.

As you will recall, PCS funding is divided into six categories:

First. Accession travel.

Second. Training travel.

Third. Operational travel—between duty stations in the continental United States, in overseas areas, and to support at sea requirements.

Fourth. Rotational travel—to and from overseas duty tours.

Fifth. Separation travel.

Sixth. Travel of organized units.

Of these categories, rotational travel and operational travel for the Navy are recognized as offering the greatest opportunity for annual savings in PCS funds. Without question, improvements must be made in these two categories if reasonable stability in individual assignments is to be achieved.

For many years, in consideration of equity and morale, Department of Defense policy has prescribed uniform overseas tour lengths for personnel of all services assigned to the same location or area. Latitude is permitted, however, in the more desirable overseas areas where duty tours when accompanied by dependents may vary from 36 to 48 months. Consequently, the number of personnel assigned to sea duty and to duty in overseas areas, in relation to total force levels, and the length of these tours of duty have the greatest effect on rotational travel for all services, and on operational travel for the Navy in support of its forces detailed to sea duty.

Because it has been necessary for the Army to use worldwide resources to support its forces in Vietnam, however, personnel often must be moved from long tour areas before completing the full tour. For example, Army enlisted personnel in Germany serve an average of only about 18 months and officers average only 24 months of the 3-year tour.

Therefore, a general increase in overseas tour lengths would increase the existing disparity between services as to the actual time members serve in certain overseas locations. For this and other reasons, the Department of Defense believes that the relative lengths of overseas tours as now established are appropriate and has promulgated the following policy guidance:

The Military Departments shall establish procedures which will assure maximum stabilization in the lives of military personnel and their dependents. To assist in the foregoing and to reduce annual expenditures in connection with the relocation of personnel, the interval between permanent change of station assignments will be increased whenever practicable and consistent with national security. As a minimum, the objective shall be for an individual to complete the appropriate tour of duty prescribed for the area to which he is assigned and, for those members who are acceptable, to be encouraged to extend voluntarily their tour of overseas duty beyond the standard tours prescribed . . . In any event, a genuine military requirement shall exist as a basis for reassigning individuals on permanent change of station, overseas or within CONUS.

The military services have examined the problem in great detail and have taken positive steps to comply with the guidance of the Congress.

At this point I would like to say that sometimes when we try to establish a policy, and it is to be promulgated in the field, I become skeptical about whether or not it actually will be implemented. But in this case I have specific, firsthand evidence that the military have made every single effort to comply with the policy request of the Congress. Certainly we felt that with such overwhelming support by the Senate, it was worth a try to save several hundred million dollars, without any injury to our national defense. It was worth a try to improve the morale of our forces in all the services, and at the same time make available from a hard-pressed budget funds that could be expended in areas like equipment purchases, or the strengthening of the Military Establishment.

I am very happy to say that the following actions that I am going to enumerate are an indication that all branches of

the services have tried extraordinarily hard to meet this policy requirement and that great progress has been made.

The following actions and/or policies are examples of specific steps that have been taken.

That only one service may be listed serves to highlight the fact that each must solve the problem within its own particular circumstances and the action may or may not have been taken by other services at an earlier time.

First. The lengths of certain command tours have been extended—Army and Navy.

Second. The tour length for recruiters has been increased and stabilized at 36 months—Army.

Third. The stabilized tour for drill sergeants has been increased to 24 months—Army.

Fourth. Eligible reenlistees for long tour areas are now generated 12 months in the area—Army.

Fifth. Nonprior service combat arms enlistees for U.S. Army, Europe, are guaranteed a minimum of 16 months in Europe—Army. Because of the policy enabling dependents to accompany members of our Armed Forces in Europe, this 16-month guarantee would make it easier for a serviceman to come to an early decision about bringing his dependents with him.

Certainly, if he is guaranteed a minimum of 16 months, in Europe, it would be worth his while to have with him while he is away from home, the stability that only his family can provide.

Sixth. A number of personnel being returned from Europe are now received and processed at a second location within CONUS—designed to serve specific geographic areas to reduce costs—Army.

Seventh. The 36-month overseas accompanied tour has been increased to 48 months—Air Force.

Eighth. Voluntary extension of overseas tours is permitted up to a total of 5 years, rather than 4 years—Air Force.

Ninth. Twelve-month voluntary tour extensions are permitted within CONUS, Air Force.

Tenth. Voluntary overseas tour extensions are being actively encouraged—Army, Navy, and Air Force.

When men are willing to stay abroad, it makes sense to encourage and permit them to do so, so that we do not have the cost of moving their families back and forth.

Eleventh. The number of personnel assigned to short tour areas in relation to the total force level has been improved due to the significant reduction of forces in Vietnam—Marine Corps.

Twelfth. The move from a decentralized enlisted distribution system to full centralization, to improve management of enlisted personnel assignments, has been accelerated to complete in early fiscal year 1973—Navy.

Thirteenth. Shore tour lengths are being increased as sea/shore billet ratio is improved due to inactivations of operating forces—Navy.

Fourteenth. The percentage of no cost operational/rotational assignments has increased from about 8 to 18 percent since fiscal year 1969—Navy.

Fifteenth. Reassignment of personnel within same geographic area has been maximized and the number of cross-country moves reduced—Navy.

Sixteenth. Medical and certain Reserve officers serving obligated periods and not career-motivated are no longer rotated at the mid-point of their active duty obligation—Navy.

Seventeenth. Officer tours are no longer shortened solely because of promotion or nonselection—Navy.

The effect of the foregoing, and other actions taken, is clearly illustrated in the following comparisons of the most pertinent data. Operational PCS is shown for the Navy since that category supports travel associated with the detailing of personnel to and from sea duty—over 50 percent of all Navy billets are categorized as sea duty.

[Amounts in percent]

| | Strength | Total number of PCS | Rotational PCS | Operational PCS | Cost of PCS |
|---|---|---|---|---|---|
| Fiscal year 1971 (projected) versus fiscal year 1970: | | | | | |
| Army [1] | Down 16 | Down 22 | Down 28 | | Down 16. |
| Navy [2] | Down 10 | Down 11 | Down 31 | Down 21 | Down 13. |
| USMC [3] | Down 19 | Down 19 | Down 28 | | Down 6. |
| Air Force [1] | Down 8 | Down 2 | Down 12 | | No change. |
| Fiscal year 1972 (projected) versus fiscal year 1971 (projected): | | | | | |
| Army [1] | Down 15 | Down 23 | Down 25 | | Down 18. |
| Navy [2] | Down 3 | Down 3 | Down 2 | Down 2 | Down 7. |
| USMC [3] | Down 11 | Down 30 | Down 40 | | Down 34. |
| Air Force [1] | Down 1 | Down 4 | Down 2 | | Down 8. |
| Fiscal year 1972 (projected) versus fiscal year 1970: | | | | | |
| Army | Down 28 | Down 40 | Down 46 | | Down 31. |
| Navy | Down 13 | Down 14 | Down 33 | Down 23 | Down 19. |
| USMC | Down 29 | Down 44 | Down 56 | | Down 38. |
| Air Force | Down 9 | Down 6 | Down 30 | | Down 8. |

[1] Reprograming actions for fiscal year 1971 included.
[2] Anticipated fiscal year 1971 reprograming request not included.
[3] Reprograming not anticipated for fiscal year 1971.

The most important figures here are the costs involved in PCS moves. My original amendment had envisioned a 25 percent reduction in PCS in fiscal 1972 as compared to fiscal 1971. Based on this, the Marines made this figure easily with a 34 percent reduction in PCS costs projected for fiscal 1972, compared to fiscal 1971. The other services did not make the 25 percent figure but all had reductions—Army, 18 percent; Navy, 7 percent; and Air Force, 8 percent. But to also show the continuing efforts of the services in this regard, it is instructive to compare fiscal 1972 projections with fiscal 1970 actual figures.

Using these figures, we see that the Marines had a 38 percent reduction in PCS costs over the 2 years, again leading the way. I think we should salute the Marines for this outstanding performance, as they definitely seem to have the best management techniques and control over their costs.

Respective PCS reductions for the other services, computed by comparing fiscal 1970 actual figures to those projected for fiscal 1972, are—Army, down 31 percent; Navy, 19 percent; and Air Force, 8 percent.

I am, of course, disappointed that the Navy and Air Force have not been able to achieve the same economies as the Army and particularly the Marines, but it is encouraging to me to note the sincere effort devoted to this challenge and the meaningful progress that is being made. Even more impressive is the fact that the above results have been or are projected to be achieved during a period of great personnel turbulence and increasing costs. The Navy estimates that the costs of individual moves have increased 12 percent the past 2 years—since preparation of the fiscal year 1971 budget. This increase, which has a similar effect on all military services, is attributable to such factors as increased travel tariffs, per diem rates, cost of moving household goods, storage costs, and inflation itself. Nonetheless, when translated into dollars, the total DOD reduction in PCS costs between fiscal year 1970 and fiscal year 1972 will amount to $318,337,000. Related to active duty average strengths, which will have been reduced approximately 20 percent, PCS costs are expected to drop 22 percent while absorbing the increase in costs noted above.

Mr. President, as progress is made toward the achievement of a more stable peace-time force and as the number of servicemen in short tour—12–13 months—areas decreases in relation to total force levels, longer duty assignments can be realized. In all fairness, however, I recognize that as force levels are reduced, bases are closed, units inactivated, ships decommissioned and actions such as broadening the base of individuals entitled to move dependents are taken to improve overall service attractiveness, the services may realize a higher ratio of PCS moves to total force levels and, in turn, some higher level of PCS costs than during a stable period. Nonetheless, the objectives are being met and I am most happy to make this encouraging report to you.

Just as it is the responsibility of the Congress to plan ahead, it is also our duty to constantly review our actions to insure that congressional intent has become reality.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. WILLIAMS). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

(The remarks of Mr. JAVITS when he

introduced S. 2200 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## 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 second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. 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 remarks of Mr. BAKER when he introduced S. 2201 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON MANAGEMENT STUDY OF NASA ACQUISITION PROCESS

A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting, for the information of the Senate, a report entitled "Management Study of NASA Acquisition Process"; to the Committee on Aeronautical and Space Sciences.

REPORT ON LOAN TO COLORADO-UTE ELECTRIC ASSOCIATION, INC.

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Colorado-Ute Electric Association, Inc., of Montrose, Colorado, in the amount of $12,200,000 (with an accompanying paper); to the Committee on Appropriations.

REPORT ON LOANS TO CERTAIN DISTRIBUTION SYSTEMS

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of loans, in the amount of $15,575,000, to certain distribution systems (with an accompanying paper); to the Committee on Appropriations.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

A letter from the Secretary of the Treasury submitting a special report on the proposed replenishment of the resources of the International Development Association (with accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Acquisition and Use of Software Products for Automatic Data Processing Systems in the Federal Government" (with accompanying report); to the Committee on Government Operations.

PROPOSED SALE OF THE ALASKA RAILROAD

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the sale by the Federal Government of the Alaska Railroad (with accompanying papers); to the Committee on Government Operations.

DRAFTS OF PROPOSED LEGISLATION

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize grants for the Navajo Community College, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs (with an accompanying paper); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report of that Service, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION No. 3

"Relative to the Tehama-Colusa Canal

"Requests President and Congress to fund construction of the Tehama-Colusa Canal to the full capability of the United States Bureau of Reclamation.

"Whereas, The Tehama-Colusa Canal, a 120-mile irrigation canal, serving the Counties of Tehama, Glenn, Colusa, and Yolo, was originally authorized by Congress in 1950; and

"Whereas, The original scheduled date of completion for the canal was 1965; and

Whereas, Construction of the canal was only begun in 1965; and

Whereas, The canal is presently one-third completed at a cost of over 35 million dollars, yet does not irrigate one single acre of land; and

"Whereas, the United States Bureau of Reclamation has a funding capability of $5,465,000 for the Sacramento River Division of the Central Valley Project for the fiscal year 1971–72; and

"Whereas, An increased level of funding is essential to the timely construction of the Tehama-Colusa Canal; and

"Whereas, The proposed budget includes only $1,322,000 for the Sacramento River Division and does not make provision for additional construction of the Tehama-Colusa Canal; and

"Whereas, Completion of the Tehama-Colusa Canal is already five years behind schedule; and

"Whereas, The need for rapid completion is demonstrated by the fact that the water table in the proposed service area is dropping to the point of imperiling the financial survival of farmers who planted irrigated crops depending upon the timely completion of the canal; now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to fund construction of the Tehama-Colusa Canal to the full capability of the United States Bureau of Reclamation; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to all members of the Senate and House Appropriations Committees."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 17

"Relative to the expenditure of federal funds to reduce unemployment

"Whereas, National unemployment reached a nine-year high of 6 percent in December, 1970, and in California and the Fresno area the unemployment rates are 7 percent and 7.2 percent, respectively; and

"Whereas, The President of the United States has indicated that the federal budget for the coming fiscal year would be an expansionary one in order to reduce unemployment; and

"Whereas, The United States is constructing a distribution system for Westlands Water District in order for that district to utilize water from the San Luis Unit of the Central Valley Project; and

"Whereas, The 91st Congress, 2nd Session, passed and the President of the United States signed an appropriation bill which provided construction funds in an amount adequate to meet a reasonable construction schedule; and

"Whereas, The President has impounded the major portion of said funds which has resulted in the shutting down of one construction contract with the termination of over 90 jobs in the Fresno County area; and

"Whereas, The President's proposed budget for the 1972 fiscal year provides for the release of said funds on July 1, 1971, but does not provide for any additional construction funds for said distribution system; and

"Whereas, The immediate release of said impounded funds would not only permit the resumption of the 90 jobs terminated, but

would provide the equivalent of 1,000 jobs in this extremely labor-depressed area; and

"Whereas, The release of said funds would be consistent with the President's desire to reduce unemployment; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States is respectfully urged to release at this time from impoundment those funds appropriated by the Congress of the United States for use in furthering construction of the Westlands Water District distribution system and other public works projects in the San Joaquin Valley so that more jobs can be created in Fresno County, a serious area of unemployment, and be it further

*"Resolved,* That the President of the United States is respectfully urged to request the appropriation of, and the Congress of the United States is respectfully urged to appropriate, a substantial amount of additional funds other than those heretofore impounded for use in the 1972 fiscal year in the construction of Westlands Water District distribution system; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTIONS

"Urging the President of United States and the Department of Health, Education and Welfare to revoke the recent decision to change the method of choosing State delegates to the White House Conference on Aging

"Whereas, There is scheduled a national White House Conference on Aging commencing on November 28, 1971, at Washington, D.C.; and

"Whereas, The method of choosing delegates from the commonwealth was to have been that the fifty-four delegates allotted to the commonwealth be chosen by the governor; and

"Whereas, The governor's special planning commission for said White House conference has now been informed that the method of choosing said delegates has been changed so that the governor is required to submit eighty-four names to the White House, of which fifty-four shall be chosen by the national administration; and

"Whereas, This change of method of selection of delegates destroys the freedom of choice on the state level and places final control of the selection power into the hands of the national administration; and

"Whereas, The result of the federal takeover of the selection of state delegates will seriously hamper and infringe upon the effectiveness of said delegation; now, therefore, be it

*"Resolved,* That the Massachusetts Senate respectfully urges the President of the United States and the Secretary of the Department of Health, Education and Welfare to revoke or cause to be revoked the change in the method of selecting delegates to said national White House Conference on Aging and to reestablish the original method planned for choosing the fifty-four delegates from the commonwealth, to wit, that said fifty-four delegates be chosen by the governor; and be it further

*"Resolved,* That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of the Department of Health, Education and Welfare, Elliot L. Richardson, to the chairman of the national White House Conference on Aging, Dr. Arthur S. Flemming and to each member of the Congress of the United States from the Commonwealth.

"Senate, adopted, June 21, 1971."

A resolution adopted by the Ecumenical Council of the Pasadena Area Churches, Pasadena, Calif., praying for an immediate end to the war in Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Nevada Wildlife Federation, Inc., Sparks, Nev., in opposition to additional fees upon individuals hunting, trapping, or fishing on public lands within the State of Nevada; to the Committee on Interior and Insular Affairs.

A resolution of the District of Columbia Young Republican Club; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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. SCOTT:

S. 2194. A bill to advance by one year the standard deduction provisions of the Tax Reform Act of 1969. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 2195. A bill to provide a general support program for institutions of higher education and to repeal certain existing programs for assisting such institutions. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for himself and Mr. EAGLETON):

S. 2196. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community, to provide for an organized approach to the problems of economic development in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. BURDICK (by request):

S. 2197. A bill to amend sections 3466 and 3467 of the Revised Statutes to provide for greater equity for creditors of insolvents and insolvent estates not in bankruptcy by reducing the priority of debts due the United States in such proceedings. Referred to the Committee on the Judiciary.

By Mr. TUNNEY:

S. 2198. A bill to authorize a National Summer Youth Sports Program. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 2199. A bill to authorize the Federal Reserve Board to guarantee loans to aid certain business enterprises to meet temporary and urgent financial needs. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. KENNEDY, Mr. BAYH, Mr. TAFT, and Mr. TUNNEY):

S. 2200. A bill to amend the Economic Opportunity Act of 1964 to provide a means for experimenting with the implementation of the ombudsman concept in government at all levels in order to assist in making the government mores responsive to the needs of the poor and of citizens generally, and for other purposes. Referred to the Committee on Labor and Public Welfare (by unanimous consent).

By Mr. BAKER:

S. 2201. A bill to amend the Servicemen's Group Life Insurance program to extend for one hundred and twenty days to one year after discharge or release from active duty or active duty for training the period within which a member of the uniformed services may convert his Servicemen's Group Life Insurance to an individual policy of life insurance. Referred to the Committee on Veterans' Affairs.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2202. A bill to authorize emergency loan guarantees to major business enterprises. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENSON (by request):

S. 2203. A bill to amend section 16–1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia;

S. 2204. A bill to provide for improvements in the administration of the Government of the District of Columbia, and for other purposes;

S. 2205. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes;

S. 2206. A bill to revise the procedural and administrative provisions of District of Columbia taxing laws, and for other purposes;

S. 2207. A bill to authorize the Government of the District of Columbia to engage in certain activities designed to effect community development;

S. 2208. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; and

S. 2209. A bill relating to crime and law enforcement in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. GRIFFIN (for himself and Mr. PEARSON):

S. 2210. A bill to amend the Military Selective Service Act of 1967 to exempt from the draft physicians who agree to practice at least four years in rural and inner city doctor-shortage areas. Referred to the Committee on Armed Services.

By Mr. STEVENSON (for himself and Mr. PERCY):

S. 2211. A bill to change the name of the Indiana Dunes National Lakeshore to the Paul H. Douglas National Lakeshore. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 2212. A bill to provide Federal crop insurance against loss of investment. Referred to the Committee on Agriculture and Forestry.

S. 2213. A bill for the relief of certain separated former employees of railroad terminal companies who formerly performed certain discontinued mail handling functions in and about railroad terminals. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 2214. A bill to amend title 39, United States Code, to clarify certain provisions of the Postal Reorganization Act relating to postal revenues and appropriations, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. TOWER:

S. 2215. A bill to make effective in 1971 the increases in personal exemptions and the standard deduction enacted by the Tax Reform Act of 1969 and originally scheduled to become effective in 1972 and 1973. Referred to the Committee on Finance.

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

S. 2216. A bill to amend the Investment Company Act of 1940, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUGHES (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. MUSKIE):

S. 2217. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Referred to the Committee on Labor and Public Welfare, and, by unanimous consent, if and when reported, to the Committee on Government Operations, to consider title II.

By Mr. TOWER:

S.J. Res. 123. A joint resolution on reduction of Federal Expenditures Resolution of 1971. Referred to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT:

S. 2194. A bill to advance by 1 year the standard deduction of the Tax Reform Act of 1969. Referred to the Committee on Finance.

Mr. SCOTT. Mr. President, I introduce for appropriate reference legislation to accelerate Federal income tax reductions included in the Tax Reform Act of 1969 by making them effective 1 year earlier than the law now provides. A companion measure is being introduced today in the House of Representatives by my colleague Congressman LARRY COUGHLIN.

My proposal calls for a two part step-up of the increases in the percentage standard deduction which are presently scheduled to take effect on January 1, 1972 and on January 1, 1973.

The minimum standard deduction is now 13 percent of yearly adjusted gross income, with a ceiling of $1,500. In January 1972, the minimum standard deduction will become 14 percent with a ceiling of $2,000 and in January 1973, it will become 15 percent with a ceiling of $2,000. The legislation which I am introducing today makes changes scheduled for January 1, 1972 effective as of January 1, 1971 and the changes scheduled for January 1973 effective January 1972.

I am making this proposal for two reasons. First, these tax reductions will benefit the middle-income taxpayers who are, in most instances, hardest hit by Federal and State taxes. The great majority of middle-income taxpayers do not have sufficient expenses which are deductible on their Federal tax form to make itemizing their deductions advantageous. My proposal will be of direct benefit to these families.

Second, my proposal requires that the Secretary of the Treasury promptly make adjustments in the Federal income tax withholding tables to reflect this step-up in tax reductions. Thus, this additional buying power would be immediately available for the purchase of consumer goods and services and would be a further boost to the employment rolls. It is estimated that my proposal will provide an additional $900 million in such buying power during fiscal 1972 and an additional $200 million in fiscal 1973.

Our Nation has progressed significantly on its long road to economic recovery under the present administration. It has, however, not been a straight road and I believe that my proposal will help us over the last hill to a noninflationary, full-employment economy.

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

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

S. 2194

A bill to advance by one year the standard deduction provisions of the Tax Reform Act of 1969

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

SECTION 1. LOW INCOME ALLOWANCE.

Effective with respect to taxable years beginning after December 31, 1970, section 141(c) of the Internal Revenue Code of 1954 (relating to low income allowance) is amended to read as follows:

"(c) Low Income Allowance.—The low income allowance is $1,000 ($500 in the case of a married individual filing a separate return)."

SEC. 2. PERCENTAGE STANDARD DEDUCTION.

Effective with respect to taxable years beginning after December 31, 1970, section 141(b) of such Code (relating to percentage standard deduction) is amended to read as follows:

"(b) Percentage Standard Deduction.—The percentage standard deduction is an amount equal to 15 percent (14 percent in the case of a taxable year beginning in 1971) of adjusted gross income, but such deduction shall not exceed $2,000 ($1,000 in the case of a separate return by a married individual)."

SEC. 3. WITHHOLDING OF TAX ON WAGES.

In the case of wages paid during the period beginning July 1, 1971, and ending December 31, 1973, the amount to be deducted and withheld under chapter 24 of the Internal Revenue Code of 1954 (relating to collection of income tax at source of wages) shall be determined in accordance with regulations and tables prescribed by the Secretary of the Treasury or his delegate which take into account the reduction in tax for such period provided by this Act.

By Mr. MATHIAS:

S. 2195. A bill to provide a general support program for institutions of higher education and to repeal certain existing programs for assisting such institutions. Referred to the Committee on Labor and Public Welfare.

HIGHER EDUCATION SUPPORT ACT OF 1971

Mr. MATHIAS. Mr. President, I am very pleased today to introduce a bill which would fundamentally transform both the pattern and the level of Federal assistance to our Nation's colleges and universities.

The bill establishes a National Grants Committee for Higher Education and provides for greatly increased long-term institutional support—approximating some $3 billion in the first year alone. All existing higher education legislation—H.E.F.A. and H.E.A.—except for student assistance programs, would be repealed.

The need for congressional action in this area, Mr. President, could not be greater, nor indeed more urgent. Nearly half of America's private institutions of higher education are this year generating self-consuming deficits; the Carnegie Commission recently reported that two-thirds of our colleges and universities—enrolling 77 percent of our college students—are in financial difficulty or headed for financial trouble.

The deficits are seldom small; more often, they are gargantuan: Johns Hopkins' will this year be $4.3 million, that of Columbia University some $15 million.

Not only is the financial plight of higher education becoming increasingly widespread, it is rapidly compounding; this year's losses, according to the Association of American Colleges, are on average five times greater than those of last year.

As might be expected, Mr. President, the undertaker is at hand. During the last 2 years, 39 institutions of higher education were forced to close. This past April, Maryland's St. Joseph College made the tragic announcement that it, too, would have to close. And last October, a national authority on educational finance predicted that the next 5 years will bring death or absorption to as many as 300 more private colleges.

The extinction of many of our private colleges tells only part of the story, however, since most of them are averting this fate, if only temporarily, by raising tuition and by adopting rigorous internal economies.

One of the hardest pressed is St. Louis University which, in desperation, is phasing out its schools of engineering and dentistry. How tragic this is when today we face a national shortage of 7,000 dentists. At other colleges, faculty are being dismissed, construction suspended, classes swollen, innovations postponed, existing programs curtailed, if not eliminated. Sharply pruned budgets are also stifling enrollment increases; according to one estimate, 50,000 qualified students will be denied State university admission because of self-imposed enrollment quotas due to shortage of classrooms, faculty, and housing. Being cut back also are student counseling, health care, and library expansion.

On the other side of the coin, tuition increases, which are one of the colleges' few means of directly increasing income, are reluctantly but frequently being imposed.

What, we must ask, will be the consequences of these self-inflicted measures to tighten belts and raise tuition? Certainly it is desirable that universities adopt more sophisticated and efficient means of programing, planning, and budgeting. The need for greater accountability and productivity should undoubtedly figure much more prominently in the future.

But let us not stand idly by while our universities immolate themselves. Let us fully realize the indelicacy, indeed the crudity, of the present operations. Too many of our colleges are having to hack into the quick. Emergency budgeting, while in certain respects healthful, is far too blunt an instrument. The longer we compel our universities to postpone or abandon innovation and pioneering to meet the needs of the morrow—much less those of the present—the further we shall proceed from financial deficits to producing long-term quality deficits.

Let us, also, comprehend the implications of raising tuition. Clearly there are limits, and we are fast approaching them. What, we must ask, is to become of our espoused national goal of advancing equal educational opportunity? When, already, youth from families in the bottom half of the income range have but one-third the chance of entering college as those from families in the upper half, what could be more inequitable, what could be more injurious to this declared national objective? Continuation of the tuition spiral cannot but price many colleges out of the range of most Americans. What self-respecting

college, I dare ask, wants the dubious distinction of catering only to the monied?

Ironically, our colleges' desperate plight comes at a time when, more than ever before, higher education is adressing itself to the crucial needs of the day. Increasingly, and sometimes dramatically, our colleges are engaging themselves to solve our society's profoundly complex problems.

And yet, financially, the times are passing them by.

If this Nation is to prove equal to its challenges, if the promise of equal opportunity is to prove to be more than platitudinous, if reason is to be given any premium over ignorance, then we must move and move now to insure that our colleges not only survive, but indeed are vastly strengthened.

With the prospect for ever-growing college deficits, Mr. President, some of us may be reminded of the legendary phoenix which, by its own act, consumes itself in fire. Unfortunately, though, the comparison is only partially valid since, unlike the phoenix, our universities have no miraculous power to arise from their ashes to emerge, once again, in youthful vigor.

Needed, then, are mundane, earthly efforts. If we are to insure, let alone pursue, the goal of rescuing and strengthening our colleges and universities, we must be prepared to pay, and pay dearly. Who then, we ask, should shoulder this new burden? Can we ask the States to bear it? Many Federal officials, I am sure, would prefer to defer or, I should say, continue to defer to the States. But that, I think, has very limited possibilities. During the last decade, State appropriations for higher education actually tripled. They in fact, rose 38 percent in the past 2 years alone. But there are limits. Witness the cry of State and local officials for the adoption of revenue sharing.

State and local governments simply do not have the capacity to generate significantly increased funding for higher education. Deriving almost entirely from sales and property basis, State and local taxation is regressive and slow to respond to economic growth. The graduated income tax of the Federal Government, on the other hand, is directly responsive to growth, its revenue rising progressively faster than national productivity. For these reasons, for these built-in reasons, the Federal Government is the only realistic source of new support to meet the needs of our colleges and universities.

That the Federal Government should assume a greater role in rescuing and supporting higher education is entirely proper, since higher education fulfills purposes which, in their scope and impact, are national, as well as regional, and public as well as private. College graduates and holders of advanced and professional degrees are highly mobile geographically; they are participants in what is essentially a continental market. And it is precisely this broad market which has been an important factor in the prosperity of the Nation as a whole.

In urging greater levels of Federal support for higher education, I am not unmindful of the other and pressing national needs for which Federal funds must be allocated. In the broad area of education alone, there are urgent requirements for aid at the primary and secondary levels, as well as for vocational training. Desperately important, also, is the need for greatly expanded student aid so that all Americans can have fair and equal access to higher education. In this bill, though, I have of necessity limited my focus and, in so doing, I am here concentrating on the problems of our Nation's colleges and universities.

If, then, we are to move toward a major new Federal commitment, I must first sound a caution: Both the educators, in seeking, and the legislators, in providing, must look every bit as critically at the form of assistance as at the level of assistance—something we have too little understood in the past.

This, of course, brings us immediately to the question of academic freedom, and to the vital need to both protect and enhance the autonomy and integrity of the academies. For us, the question, boiled down, is essentially this: If Government is increasingly to pay the piper, who is to call the tune?

This, we know, is no new problem; State universities have lived for decades in this uneasy situation—some with stunning success. But, still, it is an important question and one deserving of careful consideration.

The crisis in higher education thus extends beyond mere finance. It turns on the uses, as well as the levels, of support. In first addressing himself to the subject of higher education, in March 1969, President Nixon accentuated what I regard as the foremost consideration in this important area of public policy:

> The independence and competence of the faculty, the commitment, and equally the competence of the student body, are maters not to be compromised.

The implications of this policy declaration are only beginning to be broadly understood; as the President suggested about a year later in his higher education message of 1970:

> It is past time the Federal Government acknowledged its own responsibility for bringing about, through the forms of support it has given and the conditions of that support, a serious distortion of the activities of our centers of academic excellence.

Shaped by legislators and seductive by nature, categorical aid, it is increasingly being realized, is obstructing our universities from setting their own priorities and determining their own objectives. To a great extent this has been fully intended and indeed justified—as with the enormous postwar and post-Sputnik infusion of Federal funds into science and engineering. But now, as the President has so aptly stated:

> The time has come for the Federal Government to help academic communities pursue excellence and reform in fields of their own choosing as well, and by means of their own choice.

Not only has categorical assistance driven professors and students into areas predetermined by the Government, but matching requirements and cost sharing are increasingly siphoning off funds and leaving wanting many of the academic programs in which the Government has taken no financial interest. Academic success has thus come to depend far too much on expertise in attracting Federal funds, and far too little on ability to teach and relate to students. So, far from controlling their internal affairs and setting their own priorities, our universities are having to gear themselves to whichever areas of study happen at the time to enjoy governmental favor. By inducing the universities to do its bidding, the Federal Government has compelled the adaptation of higher educational purposes to suit federally determined objectives, and rather than investing in education as a process, the Government has long been on a course of buying ideas on a piecemeal basis. Categorical aid, I therefore submit, is fundamentally subversive of the principles of academic freedom and nonintervention.

What makes this type of support even more shortsighted, Mr. President, is the failure of the present categorical programs to add up to a coherent national policy. Moreover, because of their profusion and lack of focus, they preclude individual institutions from themselves developing coherent policies of their own.

Our present system of narrowly-oriented, poorly coordinated projects, often overlapping and even conflicting, offers yet other serious disadvantages. As stated in Editorial Projects for Education's Life with Uncle:

> Institutes of higher education must negotiate the maze of Federal bureaus with consummate skill. . . . If they succeed, they must then cope with mountains of paperwork, disparate systems of accounting, and volumes of regulations that differ from agency to agency.

The growing multiplicity of sources of support and compartmentalization within agencies means that a comprehensive academic program is dependent upon an institution's ability to acquire research support from certain divisions within agencies, curriculum development support from other divisions, training support from other organizational units, and development funds for the acquisition of new faculty from yet other Federal agency units. So, as much as educating students, universitydom has become embroiled in a wrestling match for fettered Federal funding. As Charles B. Saunders, Jr. has recently suggested:

> The need now is to think in terms of broader and more effective support for higher education as a whole, rather than in terms of adding more narrow categories.

If, indeed, Mr. President, one of the larger purposes of a State, a democratic State, is to provide for its own criticism, then principles and mechanisms must be devised to insure that such criticism is both cogent and uncompromised. As legislators, we have all observed that whenever an institution comes to depend on support that is closely subject to the political process, it entangles itself in a process that is largely beyond its power to control. And, certainly, it runs the risk of being passed over or victimized by the political forces governing the funding. The danger for academic freedom in all this, as Dr. Stephen Bailey succinctly puts it, is that the potential recipient will likely develop a "prudential restraint first

upon his tongue and then upon his mind."

In view of the somewhat arbitrary nature of categorical funding and its inherent proximity to politics, we must thus seek new alternatives for Federal funding—ones that will limit the power of Government over the academies which increasingly it must help to finance. As Mr. Moynihan has said:

> The task of statesmanship in the decade ahead will be to ensure that involvement with the financing of higher education shall not lead to involvement with governance.

We must thus strive to fashion a system of Federal—and of course State and local—support for higher education that is insulated as much as possible from the political tempers of the time.

In attempting to keep our institutions aloof from political interference in these times of unprecedented social strife and change, the struggle is bound to be noisy and at times uncomfortable. It will thus be important to remember that birth has its pains, and new life starts with a squall. This, seen in its proper perspective, is nature's modest compensation for the joy of new and hopeful beginnings.

Today, Mr. President, we are riding the crest of an era in which enrollments have tripled since 1955, higher education budgets have doubled since 1960, and annual expenditures per student have been rising three times as fast as the cost of living. It is little wonder, I think, that many of our institutions have been put to agonizing strain and that a great number of them are barely afloat. An immediate task, equal to the task of preserving academic freedom, must therefore be to save these institutions from being swamped, and fatally, by the pounding of ever-growing deficits. If, indeed, we are to strengthen our universities, we must first assure their viability, their very survival.

The only satisfactory and lasting way out of this deficit dilemma, and at the same time out of the political doldrums, I believe, is to shift from our almost complete reliance upon ad hoc categorical aid to a markedly new system of long-term higher education assistance—what Jack Morse has generally referred to as "support for the system as a system."

The first of my bill's two support mechanisms thus consists of general support payments, based on an objective formula and available to all institutions of higher education. The great number and diversity of our many institutions require, I think, that a substantial portion of any increased Federal support be allocated in a manner necessitating a number of individual judgments and assessments.

The general support payments provided by this bill would total one-half—about $1.5 billion—of the bill's total funding and would be allocated according to the following formula: $300 for each of the first 500 undergraduates, $200 for each of the next 500 undergraduates, and $100 for each undergraduate over 1,000; $300 for each master's degree candidate, and $400 for each doctoral degree candidate. Weighted to give special help to small private institutions, the formula reflects a bias in favor of preserving our manifestly diverse system of higher education. No distinction is drawn between upper and lower division students. The award of general support payments is based upon the number of students enrolled, as opposed to the number of credits earned. To base grants on credits earned or degrees awarded could work to the detriment of those institutions which are seeking to expand their enrollments from among the underprivileged. Such students are in many instances "risk cases" which require considerably more effort on the part of the institution, with an attendant increase in cost. In spite of the successes that are achieved through these efforts, the attrition rate remains above that of the rest of the student body. To the extent that credits were not earned by these individuals, the institution would not be penalized for its efforts in this very worthwhile undertaking.

The general support payment, as a means of channeling Federal aid, has much to commend it. By definition, the objective formula entails no strings, no conditions—and thus promotes the independence and freedom of each institution to pursue its own self-determined objectives. Set at levels which, hopefully, would be maintained if not augmented, the general support funds would provide a basic stability on which institutions could rely, not only in drafting plans but, as important, in executing them.

The need for predictability of funding could hardly be greater; in 1969–70, more than 7 months of the fiscal year had elapsed before the levels of funding were finally established. Uncertainty about prospective levels of support, delays in obtaining funds, and sharp fluctuations have made it extremely difficult to obtain efficient university administration. If Congress is to demand more effective use of universities' physical and human resources, then it must give these institutions a genuine opportunity to plan their expenditures and make personnel and other commitments. Provision of general support payments would clearly go a long way toward achieving this.

I would be among the first to admit, however, that this approach has serious shortcomings. Almost blatantly, it would tend to lock-in the status quo, good and bad alike. Not only would it take no account of the overall educational quality of existing institutions, it would turn a deaf ear to promising briefs for special support. Additionally, it would freeze the adrenalin of academic adventure and stifle the development of any national or regional policy for higher education. In short, it would keep the carrot but drop the stick.

The shortcomings of the general support payment approach are thus formidable. But they can be reckoned with. Quite simply, this method need not be made to stand alone. Alongside this approach, alongside its virtues and its vices, we must establish another equally significant approach—one which not only neutralizes the defects of the general support system, but which in and of itself has very positive merit. I am thus proposing the creation of a system of national and State grant committees for higher education. This would provide substantial project support over and above the automatic general support payments—and in a flexible manner which would reflect both national and State needs and priorities. The financial resources to be allocated by these entities, as authorized by the bill, would be equal to the total amount of the general support payments, or about $1.5 billion.

Ideally, of course, we should institute a scheme of the utmost simplicity. We should, in a word, move this way or that. And, in so doing, we should seek a scheme which is wholly without fault. But this, unfortunately, is impossible, particularly in present-day America. Any attempt to proceed along these lines, I suspect, would precipitate yet another crisis—if indeed for a while it resolved the present one. Our Nation's system of higher education is not only enormous; it is enormously complex. And because of this, I think, no viable new system of support will be able to escape reflecting this diversity, at least in part. We must therefore chart a course between the utter simplicity of relying solely on general support payments and the enticing scylla of falling back on categorical grants. At the same time we must sharply attune our radar to the soundings, the undercurrents, and the long-term implications. We must, in charting this uneasy course, be ever mindful of the need for academic freedom and institutional independence.

To meet these demands and to preserve these values, I would therefore contend, we must institute a dual, a twofold approach—one whose constituent parts, admittedly imperfect when isolated, will combine, canceling shortcomings, supplementing and complementing each other, so as to produce a viable and lasting system of Federal support.

And so, alongside the scheme of general support payments, I propose that we establish a network of higher education grant committees.

In advancing this, I draw upon the model of the British University Grants Committee, of which I have long been an observer. I hasten to add that I am quite aware of the tremendous differences between our two countries' educational needs and circumstances, yet I do believe that the British UGC does afford us the seed of an approach which, with major adaptations, could profitably and happily be transplanted to this country.

The virtues of the grants committee approach, I think, are many. High among them, as I have already suggested, is the harmonious way in which it would blend with the scheme of general support payments. In combining these two approaches, my higher education support bill thus hinges on the cornerstone belief that neither of these means of Federal support—indeed no single means of Federal support—could prove sufficiently viable for our system of higher education.

At this point I shall outline the working and the rationale of these grant committees, as well as describe their foremost benefit: the unique buffer-like role they would play in insulating higher education from politics.

As indicated earlier, about $1.5 billion would be allocated by the Federal Government, in State shares, to be used as directed by higher education grant committees in each of the respective States. Of the total State share, the State committee would be required to apportion one-half in accordance with national educational policies established by a 15-member National Grants Committee for Higher Education.

It is of course provided that the grants committees be broadly representative of the public and of institutions of higher education, both public and private. Appointment to the national committee would be by the President, with the advice and consent of the Senate.

Fundamental to the independence of its status and operation as a buffer between education and politics, the National Committee's members would serve extended, staggered terms of 6 years.

Comparable insularity and broad representation of higher education must of course obtain also at the State level. The State Facilities Commissions—operating under the Higher Education Facilities Act—would be superseded by State grant committees, whose responsibility would be to develop systematic plans to meet the needs for construction, as well as operation and maintenance of both public and private facilities throughout the State. Funds would be provided out of the State allotments to support the planning activities of these foundations.

Key to the foundations' buffer role is the appropriations process. The National Grants Committee would be responsible for funds which come in block form, without strings or conditions; it would thus operate independently to establish national education policies, which would guide the use of half of the States' shares. At the same time, the State committees would buffer educational institutions from both State and Federal Government intervention, the committees being subject, and only partially, to the policies of the National Committee. Neither the President or Congress, nor the Governors or the State legislatures would have power to contest grants by the committees. The only formal lever for governmental control would thus reside in the power of appointment and in the Federal Government's periodical provision of the block appropriation. The requirement that appointees be broadly representative of higher education, as well as of the public, would doubtless combine with the other features to temper any unrestrained use of the appointive prerogative. To a significant degree, then, the resultant would be "judgment by peers."

The amount of the shares going to the respective States would be determined by a formula which takes into account three factors, all of which have long been critical in any distribution of Federal support for education: proportionate enrollment, total expenditures by higher education institutions—both public and private—within the State, and State expenditures as a percent of per capita income. The Federal allocation would thus depend upon, where the students are, the total effort within the State—including private institutions—and the total State government effort.

Because various State constitutions bar State support of private institutions, payments would be routed from the Federal Government—the Commissioner of Education—directly to the respective colleges and universities—in accord, of course, with the recommendations of the State grants committees.

Built into my formula for determining State shares are strong incentives for States to boost their own educational spending: higher expenditures—both State and private—would be directly translatable into a comparative advantage in entitling a State to a larger chunk of the Federal pie. Similarly, the creation of State grant committees, vested with substantial sums and posited with a statewide perspective, would stimulate the universities—all of which would be competing in the eyes of the foundations—to adopt more efficient and economic use of their available resources.

That institutions will have to vie for funds from a State grant foundation will thus provide a prod of some significance—all the more significant since this incentive factor is the key by which the defects of the system of general support payments are substantially offset by the virtues of the discretionary grant-making authority.

From atop their statewide perch, the State grant committees would serve to reduce wasteful use of scarce resources among, as well as within, the colleges and universities. With modern communications and transportation available to neighboring universities, the grants committees would no doubt discourage, both actively and passively, the uneconomic building of duplicative research libraries, esoteric laboratory equipment, mammoth computer facilities, and expensive professional paraphernalia.

In advancing the grants committee concept, I find it useful, also, to draw upon the logic advanced by the Carnegie Commission and, later, by President Nixon in advocating the establishment of a National Foundation for Higher Education. This proposal, embodied in S. 3636, would create a top-level Federal entity to develop a national policy in higher education. With first year funding of $100 million, the Foundation would make grants "to encourage excellence, innovation, and reform in higher education." This proposal, focusing as it does upon innovation, is for that reason alone deserving of the most serious consideration. There is a vital and ever-growing need for curriculum development, new instructional techniques, better resource utilization, and pioneering new programs—particularly as regards the disadvantaged. In recognizing and providing for this, the President's bill thus has much to commend it. I cannot but regret, however, that the proposed level of funding it not greater. Unfortunate, also, is the superimposition of the Foundation onto continued heavy reliance on categorical assistance programs. So, although I find a warm cloak in the President's brief for a National Foundation, I see a need for much higher levels of funding and, equally, for wholely new forms of funding.

The need to develop a coherent, long-range national policy for higher education, thanks to the efforts of the President and the Carnegie Commission, is steadily gaining wider recognition. In the eyes of more than a few of us, this need is becoming downright imperative—blessed as we are with the categorical aid monkey on our back.

Federal support of higher education has now evolved into a patchwork of laws which not only obstructs efficient use of Federal assistance, but is making application by the universities, management by the administration, and oversight by the Congress an enormously complex task.

So rationalize we must, if only partially. All the more so if, in the process, we can simultaneously promote yet other objectives.

It is time, Mr. President, that flexibility, creativity, basic intelligibility be resurrected. It is time to summon the courage and good sense to wean higher education of the aged and far too-entangled umbilical cord of categorical aid. Our universities must be fully set afoot, to flourish unmolested far beyond the shadow of the tallest bureaucrat. The eclipse of institutional independence and initiative must be legislated away. No longer can we afford to graft a benevolent smile onto this disjointed, ill-directed categorical monster. We must move to discard it.

In its stead, let us erect a system that will no longer entrap, but release our Nation's bountiful intellectual talent. Let us not only rescue our financially flagging colleges, let us give them scope and freedom to evolve their own creative ventures; and, all the while, let us develop and insure the pursuit of coherent educational policies, both national and regional.

In concluding these remarks, Mr. President, I submit that the bill I am today introducing will go a long way toward securing these objectives—and will do so on a lasting basis.

The achievement of vital new forms of Federal assistance will be neither rapid nor easy. We have been wearing the present machinery for so long and have grown so accustomed to it that, like a favorite old garment, it will be difficult to cast away. And because my bill, by its very nature, raises as many questions as it answers, it will doubtless pinch like a new shoe, both in being examined and in being worn—should it come to that. For those who may find the exercise too trying, I can only hark back to my earlier remark that birth has its pains, and that new life starts with a squall. There is room for modesty, too, here, and I shall be the first to admit that I may be fathering a stillborn bill. But I trust not.

In any case, there is great need for legislators and educators alike to emerge, if only temporarily, from behind our well-worn systems, from behind our mountains of categorical aid forms. Let us come together in a national dialog and ask not merely how best to toss a financial liferope to our beleaguered colleges, but, rather, how to fashion for these institutions a viable and lasting and un-

impeded lifeline. For they are among our Nation's most precious resources.

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By Mr. MATHIAS (for himself and Mr. EAGLETON):

S. 2196. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community, to provide for an organized approach to the problems of economic development in the District of Columbia. Referred to the Committee on the District of Columbia.

THE DISTRICT OF COLUMBIA DEVELOPMENT BANK

Mr. MATHIAS. Mr. President, for myself and the distinguished chairman of the Committee on the District of Columbia, Mr. EAGLETON, I introduce for appropriate reference a bill to establish the District of Columbia Development Bank to mobilize the capital and the expertise of the private community and to provide for an organized approach to the problems of economic development in the Nation's Capital.

This legislation was proposed by President Nixon and transmitted to the Congress by the Secretary of the Treasury as a draft bill on June 10. It is the product of extensive discussion and cooperative effort by administration officials, the District of Columbia government, and many leaders in the Washington business, financial, and professional community.

This proposal has grown out of the recognition that in nearly every metropolitan area in America, there is a vast area of frustration and inaction lying between specific Federal programs for specific urban needs, and the high-profit, low-risk development ventures understandably most attractive to private investment capital. Territorially, this region of stagnation often falls somewhere between the slums and the suburbs. Financially, it discourages many potential economic expansion efforts which are somewhat speculative, require large amounts of initial capital, or demand special technical skills or the cooperation of many individual sponsors.

The District of Columbia Development Bank is an innovative answer to the problem of financing such urban development projects. As proposed, the bank would be created by Congress as a private, limited-profit, but still profit-oriented entity capable of enlisting and coordinating private capital, energy, and leadership in converting plans into high-priority projects. The bank would not supplant either Federal programs or private initiatives; rather, it would be a supplement to both.

The city of Washington, like virtually every American central city, urgently needs major infusions of investment capital and large-scale development. For far too long we have witnessed here the continuing exodus of capital, jobs, and the middle class to the surrounding suburbs, leaving behind aging housing, dwindling job opportunities, congestion, the aged and the poor. It is an all-too-familiar story, retold every year in tones of increasing desperation as the District government brings to Congress an annual budget unbalanced by the growing gulf between lagging revenues and soaring costs for essential social services.

The long-term remedy is neither slashing the city's outlays nor voting endless, self-defeating increases in local taxation. Nor can the city rely on a generous Congress to fill the revenue gap by hiking the Federal payment indefinitely. Rather, Congress and the community must join forces to strengthen the city's economic foundation by expanding the local tax base, enlarging employment opportunities, and generally improving the quality of urban life.

The rapid approach of the national bicentennial in 1976 gives a special impetus to this challenge. For several years community leaders have seen the possibility and the appropriateness of making the Washington metropolitan area a keystone of the bicentennial celebration, not as an exhibition per se, but as a dynamic example of urban vitality and rebirth. An ambitious proposal along these lines was presented to the American Revolution Bicentennial Commission more than a year ago, and widespread interest has been expressed. Yet progress has been small and slow. Construction of one essential new public facility, the Metro system, is now proceeding, but even the plans for the redevelopment of Pennsylvania Avenue, an area of paramount Federal responsibility and interest, are stalled.

From the perspective of the vast majority in the Washington community, the bicentennial will be more an anniversary of frustration than a festival of freedom if they can only celebrate by taking the Metro to Pennsylvania Avenue to watch a parade. We need far more, in many parts of the District, if we are going to raise hopes as well as flags in 1976.

There is no shortage of proposals on the shelves, on the drawing boards or in the first stages of implementation. The list of high-priority plans for Washington includes the redevelopment of the 14th Street, 7th Street, and H Street commercial corridors; urban renewal, Fort Lincoln, the building of growth centers at major Metro stations, better use of the Anacostia waterfront, and the New York Avenue and railroad corridor in Northeast, and many apartment condominiums, shopping centers and small business developments. But all such projects require large-scale investment, skilled planning and management, and a willingness to overcome many economic, social, and political hurdles. In such areas the District of Columbia Development Bank can play a crucial role.

As stated in the declaration of purpose in the legislation I am introducing today:

It is the intent of the Congress that this institution concentrate on assisting economic development projects that have difficulty in obtaining necessary financial resources or other support from customary private or Governmental sources. Such projects should include innovative or other uncommon ventures, special risk situations, projects of unusually large scale and projects that would otherwise be feasible only if financed collectively or fully committed in advance.

It is the further intent of the Congress that in those projects where financing is already available, this institution should help assure necessary technical resources and effective coordination with other efforts to promote economic development within the District of Columbia. Projects should enhance existing or future development plans of the District and should be designed to increase the employment and economic opportunities of District residents.

Mr. President, just as the District of Columbia is a creature of the Congress, the Washington area is a captive of the Federal Government, uniquely dependent on Federal business and employment, and highly sensitive to every nuance of Federal hiring, construction, and procurement policies. As President Nixon pointed out in his message to Congress on the District of Columbia on April 7:

Inevitably the Federal Government will remain a dominant factor in the metropolitan economy, but one-industry communities all over the Nation are seeing the wisdom of diversifying, and often it is the major employer in the community which takes the lead in broadening the economic base to create new jobs and wider prosperity. Certainly that should be the case in Washington, and can be if we move to establish the Development Bank.

The District of Columbia Development Bank offers a new approach to a perennial problem: the challenge of mobilizing the private sector to revitalize our cities. The very existence of this proposal reflects the kind of public-private partnership which the bank is intended to promote. By acting promptly on this legislation, the Congress can take a major step toward making the District of Columbia a stronger, more self-reliant community and an example of urban innovation and progress for the Nation as a whole.

I ask unanimous consent to include in the RECORD at this point a memorandum outlining the organizational structure and functions of the proposed development bank.

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

SUMMARY OF DISTRICT OF COLUMBIA BANK LEGISLATION

ORGANIZATIONAL STRUCTURE

The legislation would create a body corporate to be known as the District of Columbia Development Bank, which would not be an agency of the United States. The Bank would have a board of directors consisting of eleven persons: the Commissioner of the District of Columbia, the Chairman of the City Council of the District of Columbia, three officers or employees of the United States or the District government designated by the President, and six directors elected by the shareholders of the Bank. One of the elected members would be selected by the board to serve as its chairman. The board would appoint a president of the Bank to serve as the Bank's chief executive officer.

The board would determine policy, authorize borrowing, and give final loan approval. Daily operations and policy implementation would be handled by a staff which would help identify projects, and make loan recommendations to the board. While the board would determine the structure of the operating staff, it is currently expected that there would be, in addition to the president, an executive vice president-treasurer, an operations manager who would be the chief credit officer and would supervise the staff composed of loan officers, economists, financial analyst-underwriters, engineer-architects, lawyers, community relations specialists, and clerical-secretarial staff.

FUNCTIONS

The Bank would assist economic development projects embracing housing, commerce and industry by mobilizing the capital and

expertise of the private sector, serving as catalyst and lender of last resort.

*(a) Catalyst*

Too often, the part of the private sector which would be willing to attempt some form of economic development within the city is so fragmented, lacking in technical and financial expertise, or lacking in start-up funds, that it cannot get a project started. This especially is true for large projects—an industrial park, for example—projects which are innovative, or projects which involve special risk situations. The Bank would determine the feasibility of a proposed project, organize the sponsors—no one of which might be able to take on the project individually—into a cohesive group, and mobilize and combine the private, Federal and municipal planning and resources. The Bank would pull together the many separate public, commercial, technical and financial elements necessary to get any major development project "off the ground."

Priority would be given to urgently needed, economically viable and potentially profitable undertakings in order to increase employment in the city, broaden its tax base, and in general, improve the condition and quality of life in the Nation's Capital. The Bank could assist in developing industrial parks for light industry, such as the manufacture or assembly of electronic equipment, commercial development near subway stops, shopping centers, and projects for renovation of substandard housing, and also new housing construction. The Bank also would be authorized to provide technical assistance and training in the preparation and implementation of comprehensive development programs, including formulation of specific project proposals.

*(b) Lender of last resort*

The Bank would be authorized to purchase debt obligations and equity instruments, and to guarantee debt obligations. Loans and equity investments would be made in accordance with sound and prudent development banking principles, and would be made with the objective of assuring a reasonable return on the invested funds, consistent with the achievement of economic development goals.

To be effective in mobilizing the maximum amount of direct private financial participation, the Bank would project an image as the local lender of last resort. Using its capital and borrowed funds as start-up or seed money, the Bank would seek to induce other lenders and investors to support development projects through loans to and purchase of equity shares in the projects, or a combination of these methods.

In return for its efforts and investment, the Bank would receive interest on its loans and in some cases an equity participation in the project. The equity could be sold for capital gains or held to generate continuing income. All income above operating expenses, prudent loan reserves, statutory dividends, and necessary surplus would be applied as loans and grants to innovative, or high risk projects.

The Bank's function, thus, would be to assume the lead role in putting the project "package" together, through assistance in obtaining any necessary Federal and District approvals, infrastructure, grants, or other public investment. Then the Bank would help arrange for private financing and equity, and, if necessary, provide Bank loan funds and equity participation.

The Bank would not be in competition with private bankers, developers, businessmen, government agencies or community groups. Rather, it would be a logical and necessary complement to their efforts in obtaining the necessary approvals and financing for projects of difficult implementation.

CAPITAL AND DEBT

The Bank would be expected to obtain its capital entirely from private sources. The Bank would sell common stock, primarily to D.C.-area banks and business firms, with the aim of raising $10 million. It is expected that $10 million would be adequate to guarantee administrative self-sufficiency and provide a reasonable base for equity financing and future bond issues.

The bill would permit borrowings up to 15 times the Bank's capital and surplus. Thus, if the Bank is successful in selling $10 million of common stock, it could borrow $150 million in the marketplace by issuing bonds and notes. Interest on the Bank's obligations would be taxable.

In addition, the Bank would be authorized to issue obligations to the Treasury after the Bank has at least $2 million in paid-in capital. This source would be used only as standby support for the Bank's borrowings in the public market. The Treasury's purchases could not exceed the lesser of twice the amount of the Bank's capital, or $10 million. The interest rate on these issues to the Treasury would be based on the rates paid by the Bank on its other obligations, but not less than the average yield on outstanding Treasury obligations of comparable maturity.

In years that the Bank has net earnings and has no outstanding borrowings from the Treasury, it would be allowed to pay its stockholders dividends limited to six percent on the amount of paid-in capital. The Bank's earnings and dividends would be fully subject to local and Federal taxes.

Too often during the decade of the 1960's proposed solutions for the problems of community economic development were simply proposals to appropriate increasing amounts of Federal funds. Too little thought and attention was given to the availability of private financial resources or to the capacity of the intended recipients of the proposed Federal financial assistance to match such assistance with community development needs. The proposed D.C. Development Bank would seek to fill the gap between needs and available resources and to catalyze local efforts. Thus the Bank would provide technical assistance and mobilize the private expertise and capital necessary to guide local project sponsors through the steps necessary for successful project development and implementation. The Federal role would be limited. No Federal appropriations to the Bank are contemplated. Rather, the Federal charter provided by the enactment of the bill would be indicative of general Federal support for the approach contained in the bill; the modest standby authority for the Bank to borrow from Treasury is intended to provide the assurances necessary for the Bank to issue its own obligations in the market; and the provision for possible designation of a Federal officer or employee to the board of directors of the Bank would provide a formal means for the Bank to maintain direct contact with the Federal Government.

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By Mr. TUNNEY:

S. 2198. A bill to authorize a national summer youth sports program. Referred to the Committee on Labor and Public Welfare.

NATIONAL SUMMER YOUTH SPORTS PROGRAM OF 1971

Mr. TUNNEY. Mr. President, I rise today to introduce a bill—the national summer youth sports program of 1971—to continue a vital program which is in danger of dying.

We are, Mr. President, a nation of sports lovers. Both as participants and spectators. Throughout my life, I have had the good fortune to have had close contact with the sports world and I am personally aware of the benefit that a sports program can have on a person's mental and physical development.

The National Collegiate Athletic Association is also aware of these benefits and for the past 2 years, it has been running a summer sports program for disadvantaged youths in our metropolitan areas. As outlined by the NCAA, the objectives of the program are fivefold:

First, to provide inner-city youngsters with the opportunity to develop new skills, new interests, and better knowledge of employment and educational opportunities available to them;

Second, to provide disadvantaged youths opportunity for sports instruction and competition which would normally be available only to middle- and upper-middle-class children;

Third, to provide nutritional services, medical examinations and instruction in sound health practices for inner-city youngsters;

Fourth, to provide maximum feasible employment opportunities within the program for residents of target areas;

Fifth, to enable institutions of higher learning to participate more fully in community life and in the solution of community problems.

These, Mr. President, are five highly laudable goals and I think it is most unusual that we find all of them operating successfully within one program.

The summer sports program is as much a success statistically as any program presently supported by the Congress.

It has been receiving funding for the past 2 years through the OEO under an agreement that the maximum government contribution would be 80 percent, but in the 2-year life of the program, this figure has never been approached. This program over the past 2 years has drawn less Federal money. Mr. President, I ask unanimous consent that the financial table be printed at this point in the RECORD.

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

FINANCES

| | 1969 | | 1970 | |
|---|---|---|---|---|
| | Expense | Percent | Expense | Percent |
| Federal Government | $2,714,596 | 57.1 | $2,979,980 | 53.1 |
| Institutional contribution | 1,968,510 | 41.5 | 2,509,177 | 44.7 |
| Private organizations, business, local and State governments | 25,000 | .5 | 75,000 | 1.4 |
| NCAA [1] | 43,000 | .9 | 43,500 | .8 |
| Total | 4,751,206 | 100.0 | 5,607,657 | 100.0 |

[1] Value of NCAA and ABC television coverage not included.

Mr. TUNNEY. Mr. President, the financial outlay in 1970 was approximately $5.6 million. Translated into programs, this allowed 54 cities in 30 States to conduct 98 programs. There were 45,000 participants and the average length of each program was 26.2 days.

One of the keys to the success of the program is the close instructor-student ratio. There were in 1969 and 1970 one instructor for each 15 students. In 1970, there were 2,736 personnel of which 1,616 were employed from the target disadvantaged area.

Mr. President, I ask unanimous consent that at this point in the RECORD, the complete program statistics and employment statistics be printed in the RECORD, and that sections I, II, and III of the guidelines for the 1971 National Summer Youth Sports program also be printed in the RECORD.

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

PROGRAM STATISTICS[1]

| | 1969 | 1970 |
|---|---|---|
| Total number of cities served | 54 | 54 |
| Total number of States involved | 26 | 30 |
| Total number of projects | 100 | 98 |
| Total number of participants | 43,000 | 45,000 |
| Average daily attendance | 34,000 | 36,000 |
| Number of meals served to youths | [2] | 779,100 |
| Number of medicals given (major finds—poor teeth, poor hearing, heart murmurs) | [2] | 40,600 |
| Average length of each project | [2] | [4]26.2 |
| Number of jobs: | | |
| Professionals | 880 | 960 |
| Students | 1,366 | 1,295 |
| Supporting personnel | 410 | 481 |
| Total | 2,656 | 2,736 |
| Target area personnel employed | 1,282 | 1,616 |
| Percentage | 48.6 | 59.0 |
| Average of 1 instructor to each | [3]15 | [3]15 |

[1] The 1970 figures are not final since some final project reports are yet to be received.
[2] Figures not compiled in 1969.
[3] Students.
[4] Days.

I. TITLE

The 1971 National Summer Youth Sports Program (NSYSP '71).

II. OBJECTIVES

A. To expand opportunities for disadvantaged youths to engage in competitive sports and benefit from sports skills instruction.

B. To help young people learn good health practices and become better citizens by utilizing the personnel and facilities of higher education.

C. To enable the institutions and their personnel to participate more fully in community life and in the solution of community problems.

D. To provide a combination of employment and on-the-job training in sports instruction and administration.

E. To serve the major metropolitan centers of the United States and other needful urban areas, within the limits of program resources.

III. PROGRAM DETAILS

A. PARTICIPATING INSTITUTIONS

1. Eligibility: Selected institutions of higher education which are qualified to serve needful, disadvantaged urban areas (even though the institutions may not be located in such areas) are eligible to participate.

2. Facilities: Institutions must provide facilities (pools, gymnasiums, playing fields, tracks, etc.) and non-expendable equipment (mats, gymnastics apparatus, hurdles, etc.) at no cost to the program. Institutions may utilize facilities other than their own, provided such use is arranged at no cost to the program.

B. PARTICIPATING YOUTH

1. Status: At least 90 per cent of the participants in each project shall meet the criteria set forth in the Office of Economic Opportunity Poverty Guidelines for eligibility for participation in Office of Economic Opportunity funded programs. However, special screening systems will not be necessary if 90 per cent of the participants are determined by a system of recruitment and referral by the local Community Action Agency (or delegate agency) based on that agency's knowledge of the individual's eligibility for participation in Office of Economic Opportunity funded programs. An acceptable alternative is for 90 per cent of the participants to be selected on the basis of residency within a target are designated for this purpose by the local community action agency.

2. Age: 10 to 18 years old, inclusive, as of June 1, 1971. If individuals outside this age range are enrolled in a project, they are not to be included in NSYSP '71 budget or attendance figures. For youths of legal working age (16 years and over), experience indicates that evening activity sessions are most likely to prove successful.

3. Sex: All projects must include both boys and girls, proportioned according to interest.

C. PROJECT SIZE

A minimum average daily attendance of 200 is required; greater numbers are desired as facilities and staff permit. If attendance consistently falls below the projected figure, replacements must be enrolled promptly to fulfill contractual obligations, and the Project Administrator shall inform the National Program Director of steps being taken to restore an effective project.

D. PROJECT DURATION

Minimum project length is five weeks, five days a week, or six weeks, four days a week. Maximum project length is eight weeks. No project may operate less than four days a week or more than six days a week.

Institutions desiring to operate for more than eight weeks may request approval of two consecutive five-week, five-days-a-week projects, provided the two projects would serve separate groups.

A project day may be divided into two or more sessions, provided the projected average daily attendance figure is met by the combined attendance at such sessions.

Projects will operate between June 1 and September 3, inclusive, and must provide each enrollee an average of at least two hours of sports activity per day, exclusive of time required for travel, meals, enrichment program, dressing in and dressing out.

Projects must be continuous and must involve substantially the same youth for the full term of operation.

Up to three days of a project may be utilized for enrollment, medical screenings, orientation and staff briefings.

E. CONTENT

1. Activities: Institutions must provide instruction and competition in at least four of these sports: swimming, gymnastics, basketball, volleyball, track and field, soccer, tennis, badminton, touch or flag football, wrestling, or one other sport suitable to local interest and available facilities.

Every project must offer at least two activities suitable for participation by girls. Modern dance and several of the sports listed above are acceptable.

Baseball and/or softball may be approved by the National Program Director under special conditions but are discouraged on these grounds: (a) they are relatively expensive in terms of time, space and expendable equipment; (b) their fitness content is relatively low; and (c) they are intensively promoted and sponsored by other programs.

2. Enrichment Program: Each project must devote a minimum of three (3) hours per week to activities designed to promote sound personal health practices, positive attitudes and better understanding of study and career opportunities. In addition to staff members, representatives of academic disciplines, other institutional resources, private business and community agencies should be utilized in this phase of the project.

3. Nutrition: A daily meal must be provided for each enrollee. Cafeteria meals are preferred, and the minimum requirement is a sandwich, milk and fruit. When staff members take their meals with enrollees and utilize this time for discussion and counseling, their meals may be included in the project budget.

F. ENROLLMENT

All youths must be enrolled and their names and addresses recorded. There shall be no fees or incidental charges.

G. EQUIPMENT AND SUPPLIES

Each enrollee should supply his own personal gear; e.g., gym shoes and shorts. If an enrollee is unable to provide such equipment, the institution should strive to supply it for him. It is suggested that Community and social agencies and local businesses be asked to assist in this regard.

H. MEDICAL SERVICES

1. Screening: Each enrollee must be examined prior to participation in the program. The procedure shall include examination of eyes, ears, nose, throat, teeth, heart and lungs, plus checks for ruptures, hernias and obvious orthopedic defects.

2. A youth should be excluded from a project only if participation would aggravate an existing injury or defect, or constitute a threat to his life or health.

3. Treatment: Medical treatment of injuries and illnesses occurring during the program is required, and such services shall be provided on the same basis as they are provided to enrolled students of the institution.

4. Referral: A youth's family and the appropriate health agency must be informed of any health problem discovered during the screening process or during the course of the project.

5. Fellowship: When a health problem is discovered, the institution shall pursue the matter until the problem receives proper treatment, or until all reasonable opportunities for such treatment have been exhausted.

Institutional responsibility for pre-existing medical problems, or for problems unrelated to NSVSP participation, ends with the conclusion of the project.

I. STAFF

Each staff shall have a nucleus of trained professionals, such as coaches, physical education instructors and intramural supervisors, to be assisted by student-athletes and others competent to supervise youth sports activities. A social worker, or a similarly qualified person, may be employed as Liaison Officer to assist in such tasks as recruiting medical referral and followup, record-keeping, but he shall retain responsibility for project performance and compliance with contract.

The project shall provide maximum feasible employment opportunities in all staff categories for qualified poor residents of the target area being served.

J. INSURANCE

Arrangements have been made with an insurance company for Accident Medical and Accidental Death and Dismemberment Coverage. The maximum coverage in each of these areas is $5,000 per person per accident. In addition there is third party liability and property damage insurance to protect the participants, the staff, the subcontractor and the NCAA to a maximum for bodily injury contractor and the NCAA to a maximum for bodily injury of $100,000 per person, $300,000

per occurrence, and for property damage of $100,000 per occurrence. ($100 deductible on third party liability and property damage insurance). The cost for this comprehensive coverage is six cents per participant day.

Institutions may purchase insurance individually, provided they can obtain equal or superior coverage at the same or a lower cost.

Enrollment forms for this insurance will be enclosed with each Application for Participation in the NSYSP.

K. COOPERATION WITH COMMUNITY

The Project Administrator shall familiarize the mayor of the community being served with his project plans and shall exert every effort to coordinate such plans with other local programs in a way which will maximize the effectiveness of the project. After NSYSP Administrative Committee preliminary approval of an Application for Participation, but prior to final approval and allocation of funds, the institution shall obtain written approval of its project signed by the mayor of the community being served. A copy of such approval shall be provided to the NCAA prior to final action on the application.

L. APPLICATION AND REPORTING PROCEDURES

1. Interested institutions shall complete, in detail, the Application for Participation form. Applications must contain items such as projected average daily attendance, budget request, and proposed program content, facilities, staff schedule, etc.

2. Applications are to be submitted to the NCAA, 1221 Baltimore Ave., Kansas City, Missouri 64105, for consideration and action by the NSYSP Administrative Committee.

3. Participating institutions are required to submit three detailed reports, one at the midpoint of the project and the other two reports following the close of the project. These reports shall be made on prescribed forms and shall be forwarded to the NCAA.

Mr. TUNNEY. Mr. President, this is a program with proven value. I have, in my office, a collection of hundreds of news articles from around the country that endorse the summer youth sports program. I have statements of support from the Governor of Virginia, the mayor of Hartford, the mayor of Portland, the mayor of Omaha, the mayor of Riverside, and many more. The summer youth sports program draws out support from all segments.

Yet last year there was grave danger that the program would not be funded. Both OEO and the administration were reluctant to have it continue under Federal auspices, and the program was omitted from the Federal budget. If it had not been for last-minute addition of a specific authorization in the Senate-House conference, the $3 million appropriation for this summer would not be a reality. OEO was designed to fund programs of an experimental nature for a duration of a year or two, but just because this time period has elapsed is no reason for allowing the program to pass by. At the present time, there is no indication that OEO or any other agency or authority plans funding for this project. Once again, the Congress must step in the breach and must pick up the funding for this program on a long-range basis so that through planning and year-to-year coordination, the full benefits of this wonderful program can be realized. This potential cannot be realized for any program when it lives in year-to-year insecurity as to its very existence.

My bill calls for an authorization of $5 million for fiscal year ending June 30, 1972, $7 million for fiscal year ending June 30, 1973, and $10 million for each fiscal year following up to June 30, 1976.

Mr. President, the summer youth sports program merits as wide support in Congress as it has received around the country. It is within our grasp to offer this unique program to many more American youth in the years to come, and judging from the past, this is a most exciting prospect.

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

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

S. 2198

A bill to authorize a National Summer Youth Sports Program

*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 "National Summer Youth Sports Program Act of 1971."

STATEMENT OF PURPOSE

SEC. 2. The Congress finds that disadvantaged youth benefit from participation in a program concentrated in the summer months, with an opportunity for continued activities throughout the year, which provides sports instruction and competition in a context of high quality facilities and supervision and includes instruction concerning employment and study and career opportunities, regular association with college instructors and athletes and exposure to college and university campuses. Such program creates an opportunity to help equip these youth with new skills, enhanced appreciation of their abilities and a broader perspective on the educational and employment opportunities available to them. The Congress further finds that such a program has been successfully conducted in recent years by the National Collegiate Athletic Association and various participating colleges and universities in cooperation with the President's Council on Physical Fitness and Sports, that the combination of Federal funds and college resources offers leaders in education and athletics an opportunity and a challenge to perform a needed service which they are uniquely qualified to provide, and that this program should be authorized on a permanent basis.

PROGRAM AUTHORIZED

SEC. 3. (a) The Secretary of Health, Education and Welfare (hereinafter referred to as the "Secretary") shall make grants or enter into contracts for the conduct of an annual National Summer Youth Sports Program concentrated in the summer months, with opportunity for continued activities throughout the year, designed to offer disadvantaged youth living in areas of concentrated poverty an opportunity to receive educational instruction, sports instruction, and health and nutritional services, and to participate in educational programs and sports competitions.

(b) Programs under this Act shall be administered by the Secretary, through grants or contracts with the National Collegiate Athletic Association or any other qualified national organization of colleges and universities. Each such grant or contract shall contain provisions to assure that the program to be assisted will—

(1) expand educational opportunities for disadvantaged youths, designed to provide an opportunity to engage in competitive sports and benefit from sports skills instruction;

(2) help young people learn good health practices and become better citizens by utilizing the personnel and facilities of higher education;

(3) enable the contractor and institutions of higher education located conveniently to areas of concentrated poverty and their personnel to participate more fully in community life and in the solution of community problems;

(4) provide a combination of employment and on-the-job training in sports instruction and administration; and

(5) serve major metropolitan centers of the United States as well as other areas, within the limits of program resources.

Local projects under any such program will be conducted under approved contracts between the principal contractor or grantee and selected institutions of higher education qualified to carry out a program under this Act.

PAYMENTS

SEC. 4. (a) Except where the Secretary determines that unusual circumstances make a larger percentage necessary to effectuate the purposes of this Act, a contract under this Act with respect to any program may not provide for payment of more than 80 percent of the direct costs incurred in carrying out the total program. The non-federal share may be cash or in-kind contributions.

(b) Payments under this Act may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

LIMITATION ON ADMINISTRATIVE EXPENSES

SEC. 5. (a) No principal grantee or contractor under this Act may charge any fee for general and administrative expenses of supervising a program assisted under this Act. Each such grantee or contractor shall be responsible for financing all of its own expenses from sources other than this Act.

(b) No institution of higher education with which the principal grantee or contractor enters into a contract under this Act may charge any fee for general and administrative expenses incurred in operating a program assisted under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and $7,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for each fiscal year thereafter prior to July 1, 1976, to carry out the provisions of this Act.

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By Mr. JAVITS (for himself, Mr. KENNEDY, Mr. BAYH, Mr. TAFT, and Mr. TUNNEY):

S. 2200. A bill to amend the Economic Opportunity Act of 1964 to provide a means for experimenting with the implementation of the ombudsman concept in government at all levels in order to assist in making the government more responsive to the needs of the poor and of citizens generally, and for other purposes. Referred to the Committee on Labor and Public Welfare—by unanimous consent.

ADMINISTRATIVE OMBUDSMAN EXPERIMENTATION ACT OF 1971

Mr. JAVITS. Mr. President, I introduce today as an amendment to the Economic Opportunity Act the Administrative Ombudsman Experimentation Act of 1971, a bill designed to provide for experimentation with the use of the ombudsman concept in government at all levels to assist in making government more responsive to the needs of the poor and of citizens generally.

In this bill, I am joined by my principal joint sponsor and coauthor, Senator KENNEDY, and by Mr. BAYH, Mr. TAFT, and Mr. TUNNEY.

The bill is in two parts:

First, focusing on the Federal Government, the establishment of an Office of Administrative Ombudsman in the legislative branch to conduct demonstration ombudsman programs on a regional basis to deal with individual complaints against Federal administrative actions particularly affecting the poor; and

Second, in respect to State and local government, the establishment of an ombudsman foundation in the executive branch, authorized to initiate and support demonstration projects designed to test the effectiveness of the adoption of the ombudsman concept in respect to the administrative actions of States and municipalities.

THE NEED FOR EXPERIMENTATION

President Nixon, in his state of the Union address of January 22, 1971, stated:

Let's face it. Most Americans today are simply fed up with government at all levels. They will not—and should not—continue to tolerate the gap between promise and performance . . .

As everything seems to have grown bigger and more complex, as the forces that shape our lives seem to have grown more distant and more impersonal, a great feeling of frustration has crept across the land.

Mr. President, there are many factors which contribute to this diagnosis, but there can be little doubt that administrative abuse on the part of a growing Federal, State, and local bureaucracy is a significant element.

During the last decade, Federal employment increased by 25 percent, State employment grew by 73 percent, and local governmental employment expanded by over 57 percent.

At the present time, one out of every 13 working Americans is employed by the Federal Government—which is spending approximately $350,000 a minute, occupying 421,000 buildings and administering laws contained in 11,749 pages which make up the United States Code.

While all citizens are affected, no group suffers from administrative abuse more than the poor—for no element of our society is more estranged and remote from government.

As the President's National Advisory Commission on Civil Disorders—the Kerner Commission—stated in its March 1968 report:

We are convinced, on the record before this Commission, that the frustration reflected in the recent disorders results, in part at least, from the lack of accessible and visible means of establishing the merits of grievances against the agencies of local and state government, including but not limited to, the police.

Moreover, while more remote than any element of the society from the administrative process, no group is more dependent upon it. A low-income person is often at its mercy for his very existence—as both the beneficiary and victim of the so-called welfare state.

Federal aid benefiting the poor is projected at $30 billion for 1972—three times the level only 10 years ago.

THE OMBUDSMAN CONCEPT AND THE AMERICAN EXPERIENCE

Mr. President, the Swedish word "ombudsman" simply means, "one who represents someone." However, the concept has in fact evolved into something more; an ombudsman has become a citizen's grievance officer, and an impartial guardian of the people's rights against governmental abuse.

The traditional ombudsman is a legislatively appointed independent grievance officer with wide-ranging investigatory powers; his effectiveness depends upon public confidence in his integrity and upon his resulting power to publicize administrative abuse, since he has no power to change an administrative decision.

Sweden first established the Office of Ombudsman in 1809; other nations including Finland, Denmark, Norway, West Germany, England, and New Zealand have followed suit. Three Canadian provinces have adopted various forms of ombudsman.

While the term "ombudsman" has found a place in the American vocabulary—as a synonym for a "people's advocate"—efforts to implement the concept in the traditional sense on the State and municipal level have been limited, and almost non-existant on the Federal level.

The American Bar Association resolved, at its annual meeting of delegates in 1969 that:

State and local governments of the United States should give consideration to the establishment of an ombudsman authorized to inquire into administrative action and to make public criticism.

While legislation for the ombudsman is currently pending in 22 States and two territories, only two States—Hawaii in 1968 and Nebraska in 1969, have adopted it.

The first program on the county level was established in Nassau County, N.Y. on May 31, 1966.

The Office of Economic Opportunity has contributed significantly to the American experience by funding a number of model programs at the State and local levels.

The first OEO experiment—the Buffalo Citizens Administrative Service—was conducted from November, 1967 through March, 1969 in conjunction with the Law School of the State University of New York and handled more than 1,224 complaints, received principally from low-income persons through neighborhood offices and directed, for the most part, at administrative acts of municipal agencies.

The results and conclusions of the experiment prompted additional efforts by the Office of Economic Opportunity. Current OEO projects include programs in the Governor's Office in Iowa, and the programs in King County, Washington, and in the Nebraska Legislature, to which I referred earlier.

The first efforts to implement the concept as to Federal agencies were led by Representative HENRY REUSS of Wisconsin—who introduced a Government-wide ombudsman bill in 1963 and by Senator EDWARD V. LONG who, as chairman of the Subcommittee on Administrative Practice of the Committee on the Judiciary, held the first extensive hearings on the subject of ombudsman, beginning in March 1966.

However, there subsequently developed a consensus among those interested in the ombudsman concept that efforts on the Federal level should be undertaken in a measured way and not in the first instance on a comprehensive scale. This was reflected in another section of the American Bar Association ombudsman resolution, to which I referred earlier. It resolved:

For the purpose of determining the workability of the ombudsman idea within the federal government, the Administrative Conference should experiment by constituting itself on ombudsman for limited areas of federal activity, and encourage and study experimentation by particular agencies with the ombudsman idea.

There appears now to be a developing viewpoint that the resolution was too restrictive, and I am advised that the American Bar Association will review it at its annual meeting to be held next month.

The Chairman of the Administrative Conference of the United States—which is an independent Federal agency charged with developing improvements in the Federal administrative process—has himself indicated that the original resolution is "unfortunate" in light of the fact that the conference does not possess the staff and resources even for an experimental effort. In a letter dated May 19, 1971, the Chairman, Mr. Roger C. Cramton, states:

There is no subject that is more important today than the development of expeditious, inexpensive and readily accessible devices for handling citizen inquiries and complaints directed at the performance by Federal officers of their official duties. . . . I feel strongly that no legislative, bar association, or other group should defer action that it thinks appropriate pending the outcome of any Conference study. While coordination between the Conference and other groups interested in the same problem is highly desirable to avoid unnecessary duplication of research effort, this field is large enough for a number of independent studies.

In respect to the second part of the American Bar Association's resolution, while there have been a number of efforts to establish complaint offices within certain Federal agencies, no agency has undertaken the establishment of an office with the independence necessary to constitute an ombudsman in the traditional sense.

A PROPOSAL FOR EXPERIMENTATION AT THE FEDERAL LEVEL

Mr. President, I propose that we experiment with implementation of the concept at the Federal, State, and municipal level in a manner which will test its application to the poor, while providing the basis for expansion to the citizenry as a whole.

Mr. President, with respect to the Federal level, part B of the bill would establish in the Congress an Office of Administrative Ombudsman.

The office shall be under the direction and control of the ombudsman, who would be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, after consulting with the majority and minority leader of each body.

The bill directs that one of the projects is to be conducted in the District of

Columbia and the remaining in two of the regions established by the Office of Management and Budget for the major Federal agencies.

I think it is very desirable that one of these projects be undertaken in the district—not only because it is under represented in the Congress—but, as President Nixon has acknowledged in a number of other fields relating to the administration of justice—its size and problems and proximity to the Federal establishment make it an appropriate area for demonstration.

In order to maintain focus on the poor and avoid political considerations in the choice of regions, I have included a provision directing the ombudsman to select the other two regions taking into account the extent to which they contain areas having high concentrations of low-income families and low-income residents.

In each of the geographical areas chosen, the ombudsman is authorized to receive and investigate complaints in respect to administrative acts or omissions which might be:

Contrary to the Constitution, Federal law, or Federal regulation;

Unreasonable, unfair, arbitrary, or inconsistent with the general course of an administrative agency's functioning;

Based wholly or partly on a mistake of law or fact; or

Based on improper or irrelevant grounds.

These follow generally the categories contained in the model code prepared by Professor Walter Gellhorn of the Columbia Law School, a leading authority on the subject.

The ombudsman is authorized to receive and act upon complaints concerning four major agencies of the Federal Government—the Departments of Health, Education, and Welfare, Housing and Urban Development, and Labor and the Office of Economic Opportunity, each of which spend at least 25 percent of its budget on the poor. Furthermore, he may act only with respect to programs which relate particularly to the poor: health, education, anti-poverty programs and employment and manpower training programs.

While these areas have been chosen for emphasis on the needs of the poor, I wish to make clear that any citizen complaints in these general areas against one of the agencies specified could be properly entertained by the ombudsman. I wish also to emphasize that I have no intention of making the ombudsman office merely a staff adjunct to the efforts of a particular committee of the Congress and that the bill would permit any standing committee of the House or the Senate to direct the ombudsman to conduct programs in other areas, for example, in veterans matters, prisons, and internal revenue.

A complaint against an administrative action would be submitted to the ombudsman by any person including a public or private agency—since the direct grant process will be a principal focus of complaints—either directly or through a Congressman, or a committee of the Congress.

This departs from the original proposals of Congressman REUSS in the important respect that a complaint under that bill would have been required to be submitted through a Member of Congress in any event.

Direct submittal is particularly important in this instance because of the focus on the poor and their representatives—who often do not know to whom to turn, or are less likely to contact their elected representatives.

However, I wish to state that this experiment is not designed to circumvent the Congress' traditional role. On the contrary, I propose this experiment as one of the Congress, rather than pursuing the option of letting the executive branch experiment alone in this area with the built-in conflict of interests that would result.

After investigation, the Ombudsman may recommend to the administrative agency that it consider the matter further, modify or cancel an administrative act, alter a regulation or ruling, or take any other step, and advise the complainants and other concerned parties accordingly.

The bill requires each agency of the Federal Government within the purview of the act to furnish all information requested by the Ombudsman, with the exception of certain information required to be kept secret in the interests of national defense or foreign policy.

The principal function of the Ombudsman is the investigation of complaints and the correction of administrative abuses. As in the traditional model, the Ombudsman would have no power to alter or cancel an administrative act.

The bill specifically exempts a number of matters, including any direct complaints against State or municipal agencies whether or not they are responsible for administration of the Federal programs.

Such complaints would more properly come within the purview of programs developed under part C, which I shall describe in a moment.

I recognize that this will exclude from the ambit of the experiment a large number of complaints affecting the poor, but it will provide a sound basis for assessing the need for a separate Federal Ombudsman, as a complement to efforts on the State and municipal level.

For part B, there would be authorized $500,000 for fiscal year 1972; $600,000 for fiscal year 1973; and $700,000 for fiscal year 1974.

AMERICAN OMBUDSMAN FOUNDATION

Part C of the bill would establish an American Ombudsman Foundation as an agency of the executive branch—to expand and focus upon the experimental effort begun by the Office of Economic Opportunity with respect to State and municipal agencies, which now approximate 80,000.

The Foundation would be subject to the supervision and direction of a 15-member Board of Trustees, appointed by the President, with the advice and consent of the Senate. The bill requires that the board be made up in equal numbers of individuals who are former officials of State and governments, professionals and representatives of low-income persons.

It would be authorized to:

Initiate and support research and demonstration projects designed to test the effectiveness of the Ombudsman concept to administrative action of States and municipalities;

Make grants to States and municipalities for programs for the establishment of offices similar to that established under part B;

Provide for the continuing evaluation of programs.

The programs are not to be limited to the subject matter coverage of the more proscribed Federal demonstration programs under part B, but in each case the offices established are to give due consideration to the complaints of low-income persons.

While the principal focus of the Foundation is on the State and local level and upon the general development of information in respect to ombudsman programs, limited authority has been provided to enter into arrangements with appropriate heads of departments or agencies of the Federal Government or with educational institutions to test the application of the ombudsman concept in areas that may not be covered under part B, for example, in respect to the establishment of campus ombudsman programs.

For part C the bill authorizes appropriations of $4 million for fiscal year 1972; $6 million for fiscal year 1973; and $8 million for fiscal year 1974 to carry out the functions of the Foundation. At the present time, OEO is expending approximately $1 million on State and local projects.

The activities under each part are authorized for a period of 3 years, with extensive reporting requirements so as to maximize the benefits of experimentation.

RELATIONSHIP OF THIS PROPOSAL TO OTHER PENDING PROPOSALS

Mr. President, as the term ombudsman has been used in connection with a number of pending programs, I think that it is appropriate that they be distinguished from the proposal which I make today.

First, it has been frequently said that the Consumer Protection Agency which would be established under S. 1177, the Consumer Protection Act of 1971—essentially the same as the bill passed by the Senate last year—would act as an ombudsman for consumer interests. Although this is true in the general sense, that bill, and the one which I propose today, are directed at very different objectives through differing means.

We are all consumers of both governmental services and goods and services produced in the private market place.

The proposed Consumer Protection Organization Act represents a concerted effort at marshalling governmental action to protect the individual from abuses in the private sector, while the bill which I propose is designed to focus on abuse in the public sector.

However, since the Consumer Protection Agency to be established under the former is entrusted with three basic au-

thorities relating to actions by Government, I wish briefly to note these authorities in terms of their relationship with the activities contemplated for Federal, State, and municipal ombudsman programs funded under my bill.

The Consumer Protection Act of 1971 envisions an agency acting as a consumer advocate authorized to represent the consumer interest by intervening in proceedings before courts, agencies, and departments. But in this role the agency acts as a general consumer advocate for a class of persons and would not be involved in obtaining action on individual complaints. This is underscored on page 8 of Senate Report 91-1331 of the Government Operations Committee on the Consumer Protection Act of 1970, where it is stated that, "the consumer interest is in the protection of consumers as a class, not in the fate of the individual respondent." The ombudsman's function directly relates to the interests of the individual complainant and his relationship with Government and the services to be provided.

The Consumer Protection Agency would be authorized to establish a consumer complaint component to forward complaints to appropriate private or governmental parties. Again, the main thrust is to deal with private abuses in the market place or governmental action or inaction related to such abuses. The authority to refer complaints is to be distinguished from the authority of the ombudsman to investigate and recommend corrective action for individuals.

The authority of the Consumer Protection Agency to fund State and local grant programs under title III of S. 4459—which I authored—like the other authorities is aimed primarily at abuses in the marketplace and it may be assumed that the powers given to State protection agencies would parallel those I have described as given to the proposed consumer agency.

It is, therefore, my expectation that these two proposals will complement each other—dealing as they do with two aspects of consumerism in the broadest sense.

The same general distinctions apply also to the Environmental Protection Agency.

Nevertheless, as further safeguards, part B specifically exempts from the Federal ombudsman jurisdiction any complaint from consumer and environmental areas and part C requires appropriate referral of complaints to any consumer or environmental agency established on the State or municipal level.

It should be remembered also that the ombudsman bill I am introducing today is experimental in nature and is of limited duration. One of its purposes is to explore ways to adapt the concept to existing governmental entities. The Congress subsequently will have the opportunity to review the operation of the ombudsman and its relationship to all levels of government.

Second, I consider it important to comment on the Legal Services program under which attorneys serve as advocates for the poor.

The thrust of that program—which would be continued under both legislative proposals S. 1769 and S. 1305 for its conduct by an independent nonprofit corporation—is on the provisions of legal services. However, it is also true that legal services lawyers now spend a significant portion of their time dealing with matters which are in essence complaints against administrative abuse. For example, the report of the Office of Economic Opportunity for the Legal Services Program for 1969 shows that 9 percent of matters covered were specifically classified as administrative problems—such as State and local welfare, social security—and an additional 5 percent was in subject matter areas where public agencies were likely to be involved, for example, in public housing.

I submit that the overlap should be resolved with deference to the ombudsman programs established under the proposed bill so that legal services attorneys—who now reach less than 20 percent of the target group—can devote more time to activities in the courts as to matters which cannot be resolved through an ombudsman investigation.

Toward that end, and for the purpose of insuring that legal matters outside of the jurisdiction of the ombudsman are given any appropriate legal assistance, the bill provides for mutual referral.

I wish also to distinguish this proposal from the commendable one made by Senator Kennedy to establish a Public Counsel Corporation—S. 1413—to provide for intervention in Federal rulemaking for the poor.

This function—which I understand may be handled to some extent by the independent corporation to be established under either proposed legal services bill—resembles more the general powers of intervention on behalf of a class given to the environmental and consumer agencies, than the power of an ombudsman to conduct an investigation of a particular complaint of an individual.

Mr. President, as Dr. Randy Hamilton, an expert on this subject and Executive Director of the Institute for Local Self-Government, has noted—the ombudsman is not a cure-all and not quite a combination of George Washington, Abraham Lincoln, Moses and Will Rogers. However, an ombudsman can deal with many of the difficulties that affect the relationship between government and the citizenry. I consider it appropriate that we measure that potential by spinning off and building upon this demonstration program conducted by OEO in the manner I have suggested so that these efforts can grow—and like the spinning off of programs such as Head Start—eventually benefit all citizens.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD. A letter dated May 6, 1971, from the Office of Economic Opportunity describing its current projects in more detail; the letter dated May 19, 1971, from Mr. Roger Cramton, Chairman of the Administrative Conference of the United States; and a letter dated February 25, 1971, from the Office of Management and Budget describing the administrative regions established by that office.

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

OFFICE OF ECONOMIC OPPORTUNITY,
*Washington, D.C., May 6, 1971.*

Hon. JACOB K. JAVITS,
*U.S. Senate, Washington, D.C.*

DEAR SENATOR JAVITS: In response to your request for information concerning the Ombudsman programs funded by the Office of Economic Opportunity, we are pleased to send you the following information.

Ombudsman programs address the individual citizen's problems with the complexities of bureaucracy. Past experience tends to show that those who benefit most from such programs are the poor, who depend most upon government services for life's necessities, and whose access to redress of grievances is most limited than that of the general public. Ombudsman projects provide an intermediary mechanism for raising issues and insuring that they are answered, thus aiding individual citizens and the poor community as a whole, and increasing the effectiveness of government at all levels.

The role of this office in Ombudsmanship is to build on recent increasing interest in Ombudsman programs, and to create new programs in which benefits to the poor are insured to the fullest extent possible. In the course of conducting experimental program models, we expect to learn more about developing programs dealing directly with government policies, as well as producing a foundation for a possible national emphasis program directed at constant reexamination of the effectiveness of government services in reaching the poor, and the ability of the Ombudsman to be accessible and useful to the poor, as a mechanism for increasing the effectiveness of those services.

Attached is a list of projects funded through the Office of Economic Opportunity in fiscal year 1970. We hope to continue these programs in Seattle-King County, the State of Nebraska, the State of Iowa and the University of California, and to find a new start for the city of Newark, N.J. These programs test the Ombudsman concept at the city, county and State level, in both the executive and the more traditional legislative branches of government.

If I can be of further assistance to you or your staff, please let me know.

Sincerely,

MARGARET GAYNOR,
*Acting Associate Director for Congressional Relations.*

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Grantee: State of Iowa (Governor).
Announced: June 30, 1970.
Amount: $96,280.
Duration: 12 months.
Description: Provided a central office where citizens may turn for information and help in dealing with state agencies. The office steers citizens to the proper department or agency; refers letters to the proper agencies and follows through to see that the views of citizens are given proper consideration; informs citizens what their rights are in dealing with state agencies and departments; and also assists them in framing their questions, voicing their complaints, and giving their suggestions.

The central office also keeps the Governor and the Legislature informed of people's concerns, problems, and unsatisfied complaints with state agencies.

Grantee: King County, Washington.
Announced: June 30, 1970.
Amount: $115,050.
Duration: 12 months.
Description: The program provides these services:

A central office where citizens may lodge complaints concerning the administrative

practices, policies and procedures of county or city agencies.

An independent office to bring about a fairer and more just implementation of law through analysis and correlation of patterns of citizens grievances.

Grantee: Nebraska Legislative Council, Lincoln, Nebraska.

Announced: June 22, 1970.

Amount: $70,503.

Duration: 12 months.

Description: This grant provides for the selection of the Ombudsman; his orientation to the working of the Nebraska state agencies; the orientation of his staff; the investigation of complaints and the reporting of these activities to the legislature.

Grantee: Board of Regents, University of California, Berkeley.

Announced: June 26, 1970.

Amount: $60,070.

Duration: 12 months.

Description: This program reviews and analyzes the current Ombudsman and Ombudsman-like programs in the United States. As the role of an Ombudsman, or the legal representative of the people, is not clearly understood in the United States, research provides valuable material and increases the common knowledge and understanding of Ombudsman and provides a resource center for the development and assistance of Ombudsmen programs.

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RELEASE JUNE 30, 1970, OFFICE OF ECONOMIC OPPORTUNITY

The state of Iowa has been selected to test the effectiveness of an Ombudsman program, it was announced today by Donald Rumsfeld, Director of the Office of Economic Opportunity.

To be called the Office of the Citizen's Aide, the Iowa pilot project will run for one year and will be funded entirely by a $96,280 grant from the Office of Economic Opportunity.

"We are making this grant to Iowa because of Governor Robert D. Ray's continued interest in seeing that state government remains responsive and accountable to its people and because of his expressed concern about the inability of government as it grows bigger to be cognizant of and responsive to many of the smaller problems of individual citizens," Rumsfeld said.

The grant will provide:

A central office where citizens may turn for information and help in dealing with state agencies; the office will steer citizens to the proper department or agency; refer letters to the proper agencies and follow through to see that the views of citizens are given proper consideration; inform citizens what their rights are in dealing with state agencies and departments; and also assist them in framing their questions, voicing their complaints, and giving their suggestions.

A central office to keep the Governor and the Legislature informed of people's concerns, problems, and unsatisfied complaints with state agencies.

The program, to be administered by the Governor, is designed to test the general concept of whether citizens' grievances can, in fact, be effectively dealt with at the State level through an Ombudsman-like institution.

American experience with Ombudsman programming is extremely limited. Only one other state (Hawaii) currently has an operating program.

Governor Ray had these comments:

"I am extremely pleased Iowa has been selected to test this concept. I have long advocated the need for someone in State government to 'direct traffic' for our citizens. All government must find new ways to be responsive to individual citizens' needs. Government exists, after all, to help people, but this responsibility sometimes becomes obscured by red tape and lost among voluminous policies and complex practices."

"This experiment will enable us to know whether the Ombudsman-type approach is an effective way to make State government more responsive."

"If it does prove out, I am confident the Legislature will want to continue the program."

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KING COUNTY, WASH., TO RECEIVE RESEARCH GRANT FOR OMBUDSMAN PROGRAM

King County, Washington, will receive a $115,050 grant to test an Ombudsman program for low-income residents of King County and the City of Seattle, it was announced today by Donald Rumsfeld, Director of the Office of Economic Opportunity.

The demonstration program will begin operating as soon as enabling legislation has been passed by the City Council of Seattle. The King County Council has already enacted the necessary legislation.

The program will provide these services:

A central office where citizens may lodge complaints concerning the administrative practices, policies and procedures of county or city agencies.

An independent office to bring about a fairer and more just implementation of law through analysis and correlation of patterns of citizen grievances.

As a research program, this is designed to test the general concept of whether grievances of poor citizens can be effectively dealt with at the local level through the institution of the Ombudsman.

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NEBRASKA TO RECEIVE GRANT FOR OMBUDSMAN PROGRAM

The Nebraska Legislative Council, of Lincoln, Nebraska, will receive a $70,503 grant to provide, for one year, an Office of Public Counsel, or Ombudsman for the State of Nebraska, it was announced today by Donald Rumsfeld, Director of the Office of Economic Opportunity.

This is one of several similar Ombudsman programs that are being funded by the Consumer and Environmental Branch of the Office of Economic Opportunity.

The problem to be addressed by these series of programs is the frequent inability of governmental agencies to respond to both the individual complaints and the individual needs of citizens. The Office of Public Counsel will try to fill this need. This grant will provide for the selection of the Ombudsman; his orientation to the working of the Nebraska state agencies; the orientation of his staff; the investigation of complaints and the reporting of these activities to the legislature.

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UNIVERSITY OF CALIFORNIA WILL DO RESEARCH ON OMBUDSMEN

The Board of Regents, University of California, Berkeley, California, will receive a $60,070 grant to review and analyze the current Ombudsman and Ombudsman-like programs in the United States, it was announced today by the Office of Economic Opportunity.

As the role of an Ombudsman, or the legal representative of the people, is not clearly understood in the United States, the research should provide valuable material and increase the common knowledge and understanding of Ombudsman.

As the Office of Economic Opportunity plans to institute several Ombudsman-like programs the research would also prove valuable to these various programs. It would provide a resource center for the development and assistance of Ombudsmen programs.

Professor Stanley Anderson is the project director.

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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES,
*Washington, D.C., May 10, 1971.*

Hon. JACOB JAVITS,
*United States Senate,*
*New Senate Office Building,*
*Washington, D.C.*

MY DEAR SENATOR JAVITS: This is to acknowledge your letter of May 4, 1971, with which you enclosed a draft of the Administrative Ombudsman Experimentation Act of 1971. In accordance with our telephone conversation of May 10, I am pleased to furnish you with a brief statement of the activities of the Administrative Conference in this area.

There is no subject that is more important today than the development of expeditious, inexpensive and readily accessible devices for handling citizen inquiries and complaints directed at the performance by Federal officers of their official duties. The Administrative Conference has underway a number of studies that relate to this vital issue. One such study will attempt to develop basic information with respect to the handling of citizen complaints by Federal agencies and departments. The study will compare the handling of complaints by agency, by type of complaint, and by source of complaint. The information developed by this and other studies will be relevant to the broader question whether an Ombudsman should be created, and if so, the form it should take. The results of this study, however, will not be available for twelve to eighteen months.

While the Conference is engaged in gathering information relating to the Ombudsman, it has not initiated a comprehensive study of all facets of the Ombudsman question nor has it attempted to act as an Ombudsman on an experimental basis. The Administrative Conference does not possess the staff and resources that would be required for even an experimental effort as an Ombudsman. A comprehensive study of the applicability of the Ombudsman concept to the Federal Government would be well worthwhile, but it would be a major undertaking that would consume most of the limited resources of the Conference.

It is these reasons—the inability of the Conference under its present budget to perform all of the necessary research or to undetake an experimental program as an Ombudsman—that have led me to conclude that other groups should not defer to the Administrative Conference before moving ahead in this area. I feel strongly that no legislative, bar association, or other group should defer action that it thinks appropriate pending the outcome of any Conference study. While coordination between the Conference and other groups interested in the same problem is highly desirable to avoid unnecessary duplication of research effort, this field is large enough for a number of independent studies.

It is with this background in mind that I wrote Mr. Bernard Frank, Chairman of the Special Committee of the American Bar Association's Section on Administrative Law, on January 12, 1971, urging him to seek modification of Resolution No. 3 (1969) of the ABA, insofar as it stands in the way of further action by that organization pending study by the Administrative Conference. The Administrative Conference was not aware, until after the Resolution had been adopted, that the ABA would defer further consideration of the Ombudsman question at the Federal level pending further study by the Conference. I think this deferral is unfortunate for the reasons indicated, and I have urged Mr. Frank's committee to seek modification of the Resolution so as to permit his Committee to give this subject such study as may be appropriate. It is my understanding that his Committee is now seeking a change in the language of the Resolution

I trust you will understand that nothing I have said above should be construed as in any way an expression of views on the merits of the draft legislation. Such views as we may have will be submitted at a later date.

I am taking the liberty of attaching a brief statement describing some of the current activities in which the Administrative Conference is engaged.

Sincerely,

ROGER C. CRAMTON,
*Chairman.*

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OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., February 25, 1971.*

Mr. JOHN SCALES,
*Committee on Labor and Public Welfare, United States Senate, Washington, D.C.*

DEAR MR. SCALES: I am responding to your recent conversations with Mr. William Gifford and Mr. Syd Freeman regarding Federal regions.

On March 27, 1969, the President directed HEW, HUD, OEO, SBA and Labor to adopt a uniform system of regional boundaries and regional office locations. The necessary realignments and relocations have been completed and we are moving forward with studies of the feasibility and desirability of other domestic agencies adopting the uniform system. As of today, a number of other agencies have adopted the uniform system or are in the process of doing so. These include OEP, OSC, EPA, and components of the Justice, Transportation and Agriculture Departments. Studies are still underway in the remaining components of these agencies and in Commerce, Interior and GSA.

Enclosed for your information are a map of the uniform regions, copies of the President's directives, and a current list of the agencies that have, or are in the process of adopting the uniform system. You will note that some of the agencies do not have ten regions. In such cases, they have adopted the uniform regional system but combined the standard regions where the program activities could not support ten regional offices.

With respect to your question regarding the Veterans Administration, VA has not been included in the regional boundary studies and we have no plans for including them in the immediate future.

Sincerely,

DWIGHT A. INK,
*Assistant Director.*

REGIONAL BOUNDARY CONFORMITY

| Conformed | Committed |
|---|---|
| 10 regions: | |
| OEO | EPA |
| HUD | CSC |
| SBA | DOT–UMTA |
| HEW | |
| Labor, Manpower Administration | |
| Labor, Bureau of Apprenticeship Training | |
| Justice, Bureau of Prisons, Jail Inspection Service | |
| DOT, Secretarial Representatives | |
| DOT, National Highway Safety Bureau | |
| More or less than 10 regions: | |
| Labor, Management Services Administration, —6 | OEP, —8 |
| Labor, Office of Administration, —8 | DOT, FAA, —11 |
| Labor, Bureau of Labor Statistics, —8 | |
| Labor, Bureau of Labor Standards, —7 | |
| Labor, OFCC, —11 | |
| Justice, LEAA, —7 | |
| Justice, Bureau of Prisons, CSD, —7 | |
| Justice, CRS, —5 | |
| DOT, Federal Railroad Administration, —8 | |

STATEMENT BY THE PRESIDENT ON RESTRUCTURING OF GOVERNMENT SERVICE SYSTEMS

The Reorganization Act which the Congress has passed and which I am signing today gives the President important tools in his effort to make the machinery of government work more effectively. As a part of that same effort, I am announcing today certain structural changes which I am making in the systems through which the government provides important social and economic services.

It was possible for me to take these particular actions without the authority extended under the Reorganization Act. I announce them at this time, however, because they provide specific illustrations of ways in which we can make significant improvement in the quality of government by making it operate more efficiently.

This restructuring expresses my concern that we make much greater progress in our struggle against social problems. The best way to facilitate such progress, I believe, is not by adding massively to the burdens which government already bears but rather by finding better ways to perform the work of the government.

The work is not finished when a law is passed, nor is it accomplished when an agency in Washington is assigned to administer new legislation. These are only preliminary steps; in the end the real work is done by the men who implement the law in the field.

The performance of the men in the field, however, is directly linked to the administrative structures and procedures within which they work. It is here that the government's effectiveness too often is undermined. The organization of federal services has often grown up piece-meal—creating gaps in some areas, duplications in others, and general inefficiencies across the country. Each agency, for example, has its own set of regional offices and regional boundaries; if a director of one operation is to meet with his counterpart in another branch of the government, he often must make an airplane trip to see him. Or consider two federal officials who work together on poverty problems in the same neighborhood, but who work for different Departments and, therefore, find themselves in two different administrative regions, reporting to headquarters in two widely separated cities.

Coordination cannot flourish under conditions such as that. Yet without real coordination, intelligent and efficient government is impossible; money and time are wasted and important goals are compromised.

This is why I said in the campaign last fall that "the need is not to dismantle government but to modernize it." The systematic reforms I announce today are designed to help in that modernization process. I would discuss those reforms under three headings: rationalization, coordination and decentralization. It should be recognized, of course, that the three elements are interdependent. Without one the others would be meaningless.

1. The first concern is to rationalize the way our service delivery systems are organized. I have therefore issued a directive which streamlines the field operations of five agencies by establishing—for the first time—common regional boundaries and regional office locations. This instruction affects the Department of Labor, the Department of Health, Education and Welfare, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Small Business Administration. The activities of these agencies—particularly in serving disadvantaged areas of our society—are closely related. Uniform boundaries and regional office locations will help assure that they are also closely coordinated.

The eight new regions and the locations of the new regional centers are as follows:

*Region I (Boston)*—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

*Region II (New York City)*—New York, New Jersey, Puerto Rico, and the Virgin Islands.

*Region III (Philadelphia)*—Delaware, District of Columbia, Kentucky, Maryland, North Carolina, Pennsylvania, Virginia and West Virginia.

*Region IV (Atlanta)*—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.

*Region V (Chicago)*—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin.

*Region VI (Dallas-Fort Worth)*—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

*Region VII (Denver)*—Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

*Region VIII (San Francisco)*—Alaska, Arizona, California, Guam, Hawaii, Nevada, Oregon, and Washington.

I am asking all other federal agencies to take note of these instructions, and I am requesting that any changes in their field organization structures be made consistent with our ultimate goal: uniform boundaries and field office locations for all social or economic programs requiring interagency or intergovernmental coordination.

My directive also asks that the five Departments and agencies involved provide high-level representation in cities where regional offices do not exist. Such physical relocations as are required will be made over the next eighteen months, with special efforts to minimize disruptions to the programs, the employees, and the communities involved.

II. The second step in this reform process emphasizes coordination. It calls for an expansion of the regional council concept from the four cities where it presently operates (Chicago, New York, Atlanta, and San Francisco) to all eight of the new regional centers. The regional council is a coordinating body on which each of the involved agencies is represented. It offers an excellent means through which the various arms of the federal government can work closely together in defining problems, devising strategies to meet them, eliminating friction and duplications, and evaluating results. Such councils can make it possible for the Federal government to speak consistently and with a single voice in its dealings with states and localities, with private organizations, and with the public.

III. The third phase of this systematic restructuring of domestic programs focuses on decentralization. I am asking the Director of the Bureau of the Budget to join with the heads of nine departments and agencies in a review of existing relationships between centralized authorities and their field operations. Participating in the review will be the Departments of Agriculture; Commerce; Health, Education and Welfare; Housing and Urban Development; Labor; Transportation; Justice; the Office of Economic Opportunity; and the Small Business Administration.

This review is designed to produce specific recommendations as to how each agency: (1) can eliminate unnecessary steps in the delegation process; (2) can develop organizational forms and administrative practices which will mesh more closely with those of all other Departments; and (3) can give more day-by-day authority to those who are at lower levels in the administrative hierarchy. Decentralized decision-making will make for better and quicker decisions—it will also increase cooperation and coordination between the Federal government on the one hand and the states and localities on the other. Those Federal employees who deal every day with state and local officials will be given greater decision-making responsibility.

Again, this action is a concrete manifestation of a concern I expressed during the campaign: "Business learned long ago that decentralization was a means to better performance. It's time government learned the same lesson."

Some of the reforms which I am announcing today have been urged for many years—but again and again they have been thwarted. This inertia must be overcome. Old procedures that are inefficient, however comfortable and familiar they may seem, must be exchanged for new systems which do the job as it must be done.

The particular reforms I have discussed

here are part of a broad and continuing process of restructuring the basic service systems of government. The reorganization of the Manpower Administration in the Department of Labor—announced on March 13—is another example of this process. So are the reforms which are being made in the postal system and in the Office of Economic Opportunity.

I have established both the Urban Affairs Council and the Office of Intergovernmental Relations in part so that the government could be better advised on additional improvements in service systems. Further systematic restructuring is on the way. Each reform, I believe, will have a major impact on the quality of American government—an impact which will benefit all of our citizens—in all parts of our country—well beyond the lifetime of this Administration.

The Federal government has been assigned many new responsibilities in the last several decades—many of which it carries and many of which it fumbles. Many of the disappointments and frustrations of the last several years can be blamed on the fact that administrative performance has not kept pace with legislative promise.

This situation must be changed. The actions I announce today are important steps toward achieving such changes. By rationalizing, coordinating, and decentralizing the systems through which government provides important social and economic services, we can begin at last to realize the hopes and dreams of those who created them.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD a section-by-section analysis of the bill.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE ADMINISTRATIVE OMBUDSMAN EXPERIMENTATION ACT

TITLE IV—THE ADMINISTRATIVE OMBUDSMAN

*Part A—General provisions*

SEC. 901. *Statement of finding and purpose.* This section expresses the principal purpose of the Act—to explore the possibility of implementing the concept of an ombudsman at each level of government to make government more responsive to the needs of low-income persons and other private citizens and to increase the confidence of such persons in each level of government.

SEC. 902. *Definitions.* This section defines the terms "administrative act", "agency", "low-income person", "municipality", and others.

SEC. 903. *Effective Date.* This section provides that the Act is effective immediately upon enactment.

SEC. 904. *Duration.* This section provides that the programs authorized under this title shall terminate ninety days after the end of fiscal year 1974.

*Part B—Office of the Administrative Ombudsman*

SEC. 911. *Establishment of Office.* This section establishes the Office of the Administrative Ombudsman in the legislative branch of government (subsection a).

The ombudsman is jointly appointed by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives after consulting with the majority and minority leaders of each House, and solely on the basis of his expertise in analyzing administrative and problems of law. The ombudsman shall not be a candidate or holder of any elected office nor shall he engage in any other employment. (subsections (b) (c))

The ombudsman serves for a term of three years unless removed for cause, by ⅔ vote of each House. The deputy ombudsman assumes the function of the ombudsman when the ombudsman is incapacitated. (subsections (d), (e), (f))

SEC. 912. *Duties of the Ombudsman.* This section authorizes the ombudsman to conduct three demonstration projects—one of which shall be in the District of Columbia and two of which shall be in administrative regions established by the Office of Management and Budget—under which investigations will be made, upon referral of a written complaint from any person, of any administrative act contrary to the Constitution or to federal law, arbitrary, unreasonable, based wholly or partly on mistake of fact or law, or based on improper or irrelevant grounds.

Under the bill, the demonstration projects are limited to acts of the Department of Labor, Health, Education and Welfare, Housing and Urban Development, and the Office of Economic Opportunity in the following subject areas: health, education, antipoverty programs and employment and manpower training programs.

The bill provides however, that the ombudsman may conduct such other similar projects when authorized to do so by any standing committee of the Senate or House.

The ombudsman is required, in selecting administrative regions, to give consideration to the number of low-income individuals and concentrations thereof in such regions.

SEC. 913. *Organization of Office.* This section contains general authority for the ombudsman to appoint personnel for his office; to delegate authority to such personnel; to cooperate with and refer matters where appropriate, to the Administrative Conference of the United States and the legal services programs; to conduct private hearings; and issue regulations.

The ombudsman is also required to prepare and submit annually to the President, the Speaker, and to the President *Pro Tempore* of the Senate, a report on his activities and he is also directed to submit a final report setting forth recommendations for the adoption of the ombudsman concept by agencies of the federal government.

SEC. 914. *Exempted Matters.* This section provides that the ombudsman shall not investigate complaints regarding matters of foreign affairs; administrative acts not included under the definitions; matters occurring outside the United States; personnel matters relating to federal government employees and members of the Armed Services; and matters occurring more than one year prior to enactment.

In addition, the ombudsman is given discretionary authority to decline investigation of complaints he deems to be frivolous and in certain other categories.

SEC. 915. *Recommendations.* This section authorizes the ombudsman, after investigation of a complaint, to recommend that an agency give the matter further consideration; modify a ruling or regulation; or more fully explain an administrative act.

The ombudsman is authorized to recommend such further action as he deems necessary and he may require the agency concerned to inform him of any actions taken upon his recommendations or the reasons for not complying therewith.

Before announcing a conclusion or recommendation, the ombudsman shall provide the agency with an opportunity to take appropriate responsive action or to have its comment or reply appended to such conclusions or recommendations.

SEC. 916. *Availability of Information.* All government agencies are directed to furnish the ombudsman with such information, reports, etc., as he shall require with the exception of matters required to be kept secret relating to national defense or foreign policy.

SEC. 917. *Ombudsman's Immunities.* This section precludes court review of the ombudsman's proceedings, opinions, or expressions. (subsection a)

The ombudsman and his staff are immune from civil prosecution for official acts or omissions (subsection b) and cannot be compelled to testify or provide evidence in any judicial or administrative proceeding as to matters within his official cognizance. (subsection c)

SEC. 918. *Rights and Duties of Witnesses.* This section authorizes the payment of fees and travel allowances to witnesses before the ombudsman as are provided witnesses in the courts of the United States.

SEC. 919. *Effects on Other Laws.* This section provides that no remedy or right of appeal afforded under any law or regulation shall be limited by this Act.

SEC. 920. *Authorization of Appropriations.* This section authorizes $500,000 for the fiscal year 1972; $600,000 for fiscal year 1973; and $700,000 for fiscal year 1974 to be disbursed by the Secretary of the Senate upon vouchers approved by the ombudsman.

*Part C—American Ombudsman Foundation*

SEC. 931. *Establishment.* This section establishes the American Ombudsman Foundation as an agency in the executive branch of the government.

The Foundation shall be subject to the direction of a fifteen member board of trustees appointed by the President with the advice and consent of the Senate: Five members are to be former State and local government officials; five are to be from private life; and five are to be low-income persons or their representatives. The ombudsman under Part A is an *ex officio* board member. (subsection b)

Trustees shall serve staggered three year terms. (subsection b)

SEC. 932. *Foundations Officers.* This section directs the President to appoint, with the consent of the Senate, a Director and Deputy Director for three year terms.

SEC. 933. *Authority of the Foundation.* This section authorizes the foundation to conduct research and demonstration projects to test the effectiveness of implementing the ombudsman concept at the state and local level; to make grants to States and municipalities for the establishment or strengthening of ombudsman officers similar to the Administrative Ombudsman Office established by Part B; to arrange with federal agencies or with education agencies conducting nonprofit research for ombudsman demonstration projects; to provide upon request, states and municipalities with technical assistance; and to collect, analyze and disseminate information as well as to conduct continuing, independent program evaluations.

The foundation is required to submit to the Director, the President and to the Congress a final report on its activities.

In making grants, the foundation shall ensure due consideration is given to low-income persons (subsection b). However, programs financed by the foundation are not limited to the subject matter areas specified in Sec. 902.

Payments shall be made upon application, in a manner approved by the Board. (subsection c)

SEC. 934. *Grant Limitations.* This section limits grant awards to 90% of the program cost unless waived by the Director due to special circumstances; grants may not cover land or building acquisition; and grants must be made on terms assuring independent program evaluation.

SEC. 935. *Administrative Provisions.* This section contains general administrative authority for the foundation to prescribe regulations; appoint personnel; make expenditures, and other necessary authority.

SEC. 936. *Authorization.* This section authorizes appropriations to the foundation of $4 million for fiscal year 1972; $6 million for fiscal year 1973; and $8 million for fiscal year 1974.

Mr. JAVITS. I send the bill to the desk for appropriate reference, and ask unanimous consent that it be referred to the Committee on Labor and Public Welfare.

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

Mr. KENNEDY. Mr. President, during the past decade, we have witnessed a series of bureaucratic explosions as the Congress enacts new laws and as the President orders still another executive reorganizaion. The rapid expansion of government has extended to the State and local levels as well.

In 1957, 8 million persons were employed by Federal and local governments. Today, nearly 13 million persons are employed by all agencies of government.

Too often the average citizen is bewildered by this proliferation of bureaucracies. His legitimate grievances find their way slowly, if ever, through the administrative tangle of rules, regulations, and procedures.

For the knowledgeable citizen, it is difficult. For the poor, it is virtually hopeless. When both Ralph Nader and President Nixon agree that most Americans are "fed up with government at all levels," the call to action is complete.

Today, Senator Javits and I are introducing the Administrative Ombudsman Experimentation Act of 1971 to right the balance in favor of the citizen. It is time to tame the bureaucracy, and the ombudsman is the way to do it.

This bill is offered as an experiment in informal grievance solving at Federal, State, and local levels of government. For that reason, it is presented as an amendment to the extension of the Economic Opportunity Act of 1964. We can test the ombudsman concept best where the need is greatest—among low income persons with the least access to effective redress of grievances.

The National Advisory Commission on Civil Disorders found that the frustrations reflected in urban disorders resulted in part from the inability of citizens to establish the merits of their complaints against local and State governments. The Kerner Commission went on to recommend formal mechanisms for processing grievances. The ombudsman system can be such a mechanism.

The ombudsman bill we are introducing today is the first step to give the citizens a method to slice through the gordian knot of bureaucracy.

First, it will establish an Office of Administrative Ombudsman at the Federal level, responsible to the Congress, to receive and act upon individual complaints directed at the Departments of Labor, Health, Education, and Welfare, Housing and Urban Development, and the Office of Economic Opportunity.

The Ombudsman will be an independent expert in the operations of the Federal Government, assisted by his own investigative staff, easily accessible to the public, and empowered to recommend and publicize his recommendations.

Second, the bill establishes an American Ombudsman Foundation to provide grants and technical assistance to States and municipalities to experiment with and test the effectiveness of ombudsmen at those government levels. The needs for access to prompt and effective government action are just as vital within a State and local officialdom as they are at the Federal level, and the increasing involvement of State and local governments in the programing of Federal funds results in increased Federal responsibility to insure that those governments respond to citizen grievances.

The bill being introduced today complements legislation I introduced earlier this session to create a Public Counsel Corporation to represent the public interest at Federal rulemaking procedures.

The Public Counsel Corporation would be the public advocate at administrative proceedings to carry on the work that public interest law firms have begun.

While the Public Counsel Corporation will be a vehicle for representing the general public during Federal rulemaking proceedings, the ombudsman will be a vehicle to investigate individual complaints against the way Government agencies administer those rules.

Upon receipt of a written complaint from any person, the ombudsman would investigate and determine whether remedial action by the government agency is necessary. He then could publish that recommendation and require the agency to file notices of compliance or reasons for failing to act. Ultimately he could recommend legislation to the Congress.

At a time when institutions are under public attack for failing to respond to the individual citizen, Congress cannot sit idly by without seeking some way to redress the balance. Government for the people has been a slogan honored most in the breach, as all levels of government have expanded beyond the wildest dreams of our forefathers. The ombudsman is one means of returning the Government to the people.

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By Mr. BAKER:

S. 2201. A bill to amend the servicemen's group life insurance program to extend for 120 days to 1 year after discharge or release from active duty or active duty for training the period within which a member of the uniformed services may convert his servicemen's group life insurance to an individual policy of life insurance. Referred to the Committee on Veterans' Affairs.

Mr. BAKER. Mr. President, now that the questions concerning the feasibility of ending the draft in 1971 have been answered, I wish to make the record perfectly clear. I voted against H.R. 6531 in hopes of ending this year the longest draft in this Nation's history. Instead military conscription in the United States will continue into 1973 and complete a quarter century in which this country has maintained a draft law calling for involuntary servitude in the Nation's Armed Forces. I contend that the time has come for this Nation to reorder its military objectives and begin planning for the 1980's and 1990's.

This planning should begin with the concept of a volunteer Army. Therein lies my reason for opposing the 1971 Amendment to the Selective Service Act. Although the Army is earnestly working toward the implementation of this concept, I believe that it could and should be done sooner. I am heartened by the inclusion of several amendments which may hasten the day when conscription by draft is only a backup system used for ultimate national defense or meeting the most extreme military emergencies. Particularly the Allott amendment should go a long way toward enacting a volunteer army if the increased pay scales in the lowest grades are maintained. Such wage increases are necessary to obtain the quality of volunteer soldiers vital to a truly professional team upon which our Nation depends. Providing a challenging, dignified, and well balanced Armed Forces to cope with the foreign and domestic problems of the next few decades should be a primary concern of this Congress.

As the war in Southeast Asia subsides and we plot the national course for the future, let us be mindful of the stigma that our younger generations attach to the military draft. Along with President Nixon, I am hopeful that we shall at last have a generation of peace; but, I also fear that our need for a strong, viable military cannot be dispensed with, at least for the immediate future. However, a basic foundation of our democratic society is repugnant to the institution of a standing draft. The current draft has continued since 1948. Let it end in 1973; 25 years is long enough.

I would now like to turn to the future leadership of America and, specifically, I mean the veterans of the Vietnam conflict. At present we have over 2.5 million American servicemen who have gone to South Vietnam and returned. We have over 5 million who have served on active duty during the Vietnam conflict era—August 4, 1964, to the present. And this figure, in my opinion, is not precise, as the first American was killed in Vietnam on January 2, 1961. These veterans, as those of other wars, will make up the nucleus of future leaders of this Nation. But this group of responsible Americans have not been greeted like those of other wars. We hear that in certain segments of society these veterans are antiheroes. It is imperative to our Nation that we insure that these veterans do not feel that service and responsibility given to their country in the prime of life was wasted or unappreciated by their fellow Americans.

I wish to commend my colleagues, Senator HARTKE and Senator MATHIAS, and their cosponsors for entering legislation which would upgrade and make realistic the veterans education program—the GI bill. In support of this legislation, I ask unanimous consent to have printed in the RECORD a comparison of educational costs and allowances compiled by the Veterans' Administration.

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

TABLE II.—COMPARISON OF EDUCATIONAL COSTS AND ALLOWANCES (IHL) 55 MONTHS AFTER GI BILLS WERE ENACTED

| | Average tuition | VA allowance [1] | Allowance, less tuition | Percent enrolled public and private | Weighted combined allowance less tuition |
|---|---|---|---|---|---|
| December 1948: | | | | | |
| WW:II, public IHL | $140 | $675 | $675 | 47.8 | |
| In 1970 constant dollars | 231 | 1,115 | 1,115 | | $1,115 |
| WW:II, private IHL | 396 | 675 | 675 | 52.2 | |
| In 1970 constant dollars | 654 | 1,115 | 1,115 | | |
| March 1957: | | | | | |
| Korean conflict public IHL | 173 | 990 | 817 | 61.8 | |
| In 1970 constant dollars | 247 | 1,416 | 1,169 | | 941 |
| Korean conflict private IHL | 589 | 990 | 401 | 38.2 | |
| In 1970 constant dollars | 843 | 1,416 | 573 | | |
| December 1970: | | | | | |
| Post-Korean public IHL | 339 | 1,575 | 1,236 | 77.8 | |
| (In 1970 constant dollars) | | | | | 950 |
| Post-Korean private IHL | 1,627 | 1,575 | (52) | 22.2 | |

[1] Single veteran rate, 9-month school year.

Mr. BAKER. This table shows that the current VA education allowance for a single veteran will not pay the average 1970 tuition of private colleges; not to mention books, room, board, or other subsistence normally considered to be covered by the GI bill payments.

The table shows that average tuition for public schools is $339 per year. This figure seems to me a bit low, but assuming its current validity, I find it difficult to fathom how a veteran can pay for rent, utilities, food, books, and so forth in today's college communities for $137 a month. It is my understanding that most of our veterans must work or take loans to meet their education expenses.

There is another area besides educational benefits that I believe needs upgrading, and that is in the veterans' insurance field. Currently, the Vietnam veteran has 120 days to convert his Servicemen's Group Life Insurance to a commercial policy at the standard rates. While on active duty the serviceman pays a monthly premium of $3 for $15,000 term insurance and this insurance covers him for 120 days after his discharge. During the 120 days he may convert this term policy to an ordinary life policy with any one of over 600 qualified private insurance companies. The conversion policy, in fact, only benefits the physically disabled or substandard risk veterans, as without this program the disabled would have to pay significantly higher premium rates. The physically qualified Vietnam veteran, unlike veterans of our other wars, does not have the opportunity to purchase low-cost life insurance. He only has the 120-day term coverage after discharge without premium payments.

I would like to now introduce a bill that would extend the conversion period to 1 year.

This bill would provide for 1 year $15,000 life insurance coverage for each veteran and guarantee his insurability for that 1 year. I feel that 1 year is a more realistic time for the Vietnam veteran to leave service, settle down and find employment such that he can afford to purchase continuing life insurance. This time frame would also encompass those veterans who may leave service with a latent disease or drug addiction problem.

This bill would open the conversion program for 1 year from date of enactment for all veterans of the Vietnam era who had not previously converted. At present there are fewer than 38,000 substandard risk veterans who have converted under the serviceman's group life insurance programs. Those who have converted prior to June 25, 1970, when the $10,000 ceiling was raised by Congress to $15,000, would now be eligible for the additional $5,000. Also those veterans leaving active duty between August 4, 1964, and September 29, 1965, before the servicemen's group life insurance went into effect would be eligible under this bill.

The cost factor of this program is uncertain as there is no way of determining how many veterans would take advantage of it and how many substandard risks would be involved. There would only be a 1-year Federal outlay, as after the first year the program would be self-sustaining by an approximate 10-percent increase of the monthly premium payments of those servicemen on active duty participating in servicemen's group life insurance—that is, $3.30 in lieu of the $3 current monthly premium.

Although the Senate in 1969 passed a bill to reopen veterans life insurance for all Vietnam veterans, the House blocked it due to the feeling that the Government should not be a competitor in the insurance field. This bill meets that objection and it will give Vietnam veterans a substantial period, 1 year, of term insurance without any premium payments and provide a substantial service for the most deserving of all Americans—the disabled veteran.

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By Mr. STEVENSON (by request):

S. 2203. A bill to amend section 16–1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia;

S. 2204. A bill to provide for improvements in the administration of the Government of the District of Columbia, and for other purposes;

S. 2205. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes;

S. 2206. A bill to revise the procedural and administrative provisions of District of Columbia taxing laws, and for other purposes;

S. 2207. A bill to authorize the government of the District of Columbia to engage in certain activities designed to effect community development;

S. 2208. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; and

S. 2209. A bill relating to crime and law enforcement in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. STEVENSON. Mr. President, I introduce "by request" the following seven bills as part of the legislative package of the government of the District of Columbia:

1. To amend section 16–1311 of the District of Columbia Code relating to condemnation proceedings by the District of Columbia.
2. To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, and the District of Columbia Traffic Act of 1925, in order to promote increased traffic safety, and for other purposes, to be cited as the "District of Columbia Motor Vehicle Act."
3. To provide for improvements in the administration of the government of the District of Columbia, and for other purposes, to be cited as the "District of Columbia Administrative Improvements Act."
4. To revise the procedural and administrative provisions of the District of Columbia taxing laws, and for other purposes.
5. To authorize the government of the District of Columbia to engage in certain activities designed to effect community development, to be cited as the "District of Columbia Community Development Act."
6. To improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes.
7. Relating to crime and law enforcement in the District of Columbia, to be cited as the "District of Columbia Law Enforcement and Criminal Justice Act."

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By Mr. STEVENSON (for himself and Mr. PERCY):

S. 2211. A bill to change the name of the Indiana Dunes National Lakeshore to the Paul H. Douglas National Lakeshore. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENSON. Mr. President, it is not often that we in the Congress have the opportunity to honor a prophet and patriot in his own time. Senator PERCY joins me in suggesting that we have just such an opportunity in the bill we introduce today to name the soon-to-be-developed national park along the southern end of Lake Michigan in Indiana, the Paul H. Douglas National Lakeshore.

That Paul H. Douglas is a man of vision is well known to anyone who had the honor of serving with him in this Chamber.

The Area Development Act of 1961 and the Economic Development Act of 1965, the medicare bill of 1965, the 1960 and 1964 Civil Rights Acts, the Housing and Urban Development Act of 1965, and the Truth-in-Lending Act of 1967 are but a few examples of the legislation whose beginnings can be traced to lonely fights undertaken by Senator Douglas long before the passage of such landmark legislation became a political reality. Paul Douglas was never afraid to stand alone. For me he set the standard of political leadership and courage. When he under-

took a fight, it was to plead the cause of human concern and human dignity for those who all too often are not adequately represented in our legislative process. Among all these struggles, the fight to preserve the Indiana Dunes perhaps best characterizes the vision, the hope, and the courage that have assured Paul H. Douglas a special place in American political history.

Paul and Emily Douglas had a summer cottage in the dunes when he taught economics at the University of Chicago following his service in the Pacific during World War II. It may have been during this time that Senator Douglas developed his concern about the dehumanizing effects of an industrial age on life in the big city and the need to maintain easily accessible open space where city dwellers could rediscover themselves.

It was no surprise that he took up the cause of the Indiana Dunes. Against the opposition of powerful business interest, Paul Douglas carried on the battle. It was Paul Douglas who aroused the conservation groups and public opinion. It was Paul Douglas who almost singlehandedly enlisted the support of Presidents Kennedy and Johnson. It was Paul Douglas who enunciated and persevered in the commonsense principle of bringing a national park to an urban people.

After an often discouraging fight extending over more than 9 years, Congress authorized the establishment of the Indiana Dunes National Lakeshore in November 1966. Without his persistence and without his determination that this important part of our national heritage be preserved, all of it would have gone the way much of it has already gone, destroyed by invading industry and lost to posterity.

Like much of Senator Douglas' work, it still is not finished. Today, some 5 years after the establishment of the park, there are still those who would destroy what Senator Douglas fought to preserve. Manmade breakwaters are endangering over half the dunes' beaches through unchecked erosion of the lakeshore. And most significantly, the park's 8,000 acres still sit undeveloped, unused, and undedicated.

Officials of the National Park Service informed me 2 weeks ago of their willingness to move their original schedule for development up 1 year so that the first planning funds can be appropriated in fiscal year 1972. Senators PERCY, BAYH, HARTKE, and several Members of the Indiana congressional delegation joined me in urging that funds for dunes development be made available in the fiscal year 1972 budget. Yesterday, the House approved and sent to the Senate an appropriations bill that includes $455,000 in planning funds for the lakeshore. After a 9-year fight, and a 6-year wait, it will not be long before the official dedication ceremonies are held. If future appropriations can be made available on schedule, there is some chance the park can be completed within 20 years of the time Senator Douglas started fighting for it.

What better way to help insure that this vision becomes a reality and also pay tribute to the man most responsible for bringing it about than to have the park dedicated at that ceremony as the Paul H. Douglas National Lakeshore. Back in 1958 at the beginning of his fight, Senator Douglas pleaded with a Senate that was not quite ready:

> With all humility I ask for your support of this bill to create the Indiana Dunes National Monument. I ask it in the name of the people of Indiana to whom it should belong forever; the people of Illinois who depend upon it; the people of the United States who are growing ever more alert to their disappearing natural resources; and the people, the millions upon millions of people who are yet to be born who cannot live and grow and be happy in a tight little world of factories, of smoke, and noise and unrelieved pressures.

Paul H. Douglas was a man of vision and courage who represented and fought for those "millions upon millions of people" who are the real, but often unrepresented, strength of this country.

It is not often we are asked to name a national park after a living person; but it is not often that a man becomes a legend in his own time. It is only proper that those "millions upon millions of people who are yet to be born" have a reminder of their debt to this great man.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 2211

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the national lakeshore established pursuant to the Act of November 5, 1966 (80 Stat. 1309), known as the Indiana Dunes National Lakeshore, shall hereafter be known as the "Paul H. Douglas National Lakeshore", and any law, regulation, map, document, or record of the United States in which such lakeshore is designated or referred to under the name Indiana Dunes National Lakeshore shall be held to refer to such lakeshore under and by the name of the "Paul H. Douglas National Lakeshore".

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By Mr. HUMPHREY:

S. 2212. A bill to provide Federal crop insurance against loss of investment. Referred to the Committee on Agriculture and Forestry.

FEDERAL CROP INSURANCE ACT

Mr. HUMPHREY. Mr. President, I am introducing a bill today to amend the Federal Crop Insurance Act to provide crop coverage based upon the cost of investment on the insured farm, subject to such adjustments as the Crop Insurance Board may prescribe. Presently, farmers' crops are insured on an area basis at a maximum level of 75 percent of the average yield or the investment in the insured crops on the farm.

The bill I am introducing expands and adds flexibility to the program. Most farmers invest far more in growing their crops than the area average and obtain much higher yields than average for the area. Insurance limited to 75 percent of the average yield for the area is too low to cover out-of-pocket costs incurred in producing the crops on yielding farms in many cases.

Also, under the present method of offering such protection, a farmer is often penalized if he farms in a county or area that has experienced years of lower yields. Such lower yields reduce the average yield which in turn is used to compute the amount of coverage he can secure. On the other hand, the amount of investment required to produce a crop in that county is the same as in other areas, including those producing higher yields.

Mr. Stanley Stephenson, president of our Minnesota FCIC Agents Association, told me the following to illustrate how the current method of extending coverage does not cover crop investment in his county:

> This county has an average coverage for corn of 30 bushels per acre. The average investment per acre will equal about 65 bushels per acre. If the farmer were to harvest 40 bushels per acre he would not have a loss for which he could collect insurance but he could be losing enough of his investment to be forced to quit farming.

Although the amendment I am introducing to the Federal Crop Insurance Act may cost the farmer somewhat more in premiums, he will have the opportunity to purchase the amount of protection that he wants in relation to his actual investment in the crop.

I also recognize that a sound actuarial and administrative means must be developed to make the program I am recommending both workable and operational. One method that could be employed in developing such data might be to subdivide the areas to be extended such coverage into low and high yielding—and investment per acre—sectors, and develop separate actuarial tables and premium rates for the two segments of the areas.

Although this approach may not initially be feasible on a national basis, I know of no reason why it could not be done on a limited or experimental basis. A national program could be undertaken as the Corporation developed and perfected the methods required to make the program workable and operational on a larger scale.

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By Mr. HUMPHREY:

S. 2213. A bill for the relief of certain separated former employees of railroad terminal companies who formerly performed certain discontinued mail handling functions in and about railroad terminals. Referred to the Committee on the Judiciary.

SEVERANCE PAY FOR DISPLACED POSTAL WORKERS

Mr. HUMPHREY. Mr. President, the new operation of the U.S. Postal Service is having a disquieting effect on jobs in many cities across this country.

The new system is causing many private terminal companies who use union labor to lay off hundreds of employees.

The reason for this is that the United States Postal Service has elected to change the mail handling procedures. Now procedures call for removing mail from railway cars at downtown facilities and transporting it by trucks either over the road or in railway piggyback service to new suburban facilities.

As a result of this new policy, about 300 employees of the St. Paul Union Depot Co., which has been handling U.S.

mail since the station was completed in 1923, will be affected by the switch.

These 300 people are scheduled to lose their jobs shortly after the first of the year when a new building and sortation system is put in use in suburban New Brighton.

Also lost will be vacation, holiday, insurance, and other benefits negotiated by the union representing the employees.

It is doubtful that the displaced workers will be able to locate new jobs under the existing high unemployment conditions.

At least two-thirds of those to be laid off are long-term employees with more than 40 years of service.

The nonunion mailhandlers are being protected under new Federal contracts.

However, those being laid off and associated with a union are expected to suffer the burden of progress—the loss of their jobs and no consideration of accumulated benefits now accruing to them under existing agreements and Federal laws such as vacations, holidays, life insurance, and welfare benefits and retirement annuities.

I believe that these employees—and those in other cities such as Philadelphia and Washington, D.C.—should not bear alone the costs of such change, especially since the Federal Government itself is responsible for that change in its postal policies.

Therefore, I am submitting a bill, similar to one sponsored in the House by Representative ROBERT NIX of Pennsylvania. The bill would provide 1 week's pay for each year of service up to and including 10 years, and 2 weeks pay at such rate for each year of service over 10 years plus an amount equal to 2 weeks pay at such rate for each full year by which the age of such former employee exceeds 40 years at the time of separation.

Thus, my bill is chiefly devoted to the payment for discontinuance of jobs due to automation for those employees with long years of service who are less likely to obtain new employment or job training.

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By Mr. BENNETT:

S. 2216. A bill to amend the Investment Company Act of 1940, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENNETT. Mr. President, last year the Senate passed what is now Public Law 91–547. It was an amendment to the Investment Company Act of 1940. It was intended to apply to certain types of investment company securities.

In preparing regulations under that act, the Securities and Exchange Commission included variable annuities in with certain types of front-end load securities. It had not been the committee's intention that that should be done, and on June 21 the senior Senator from New Jersey (Mr. WILLIAMS), who is chairman of the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs, and I wrote a letter to the Securities and Exchange Commission expressing congressional intention with regard to implementation of statutory provisions added to section 27 of the Investment Company Act of 1940 by Public Law 91–547.

I ask unanimous consent that this letter and Chairman Casey's reply be printed at this point in the RECORD.

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

JUNE 21, 1971.

Hon. WILLIAM J. CASEY,
*Securities and Exchange Commission, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in reference to the proposals which the Commission is currently considering for the implementation of the new statutory provisions added to Section 27 of the Investment Company Act of 1940. As member of the Committee which considered this legislation, we are quite interested in its implementation. Therefore, we are seriously concerned over the proposed application of the refund requirements of Section 27 of the Act to certain types of investment company securities.

It has come to our attention that the staff of the Commission has recommended that these refund provisions apply to investment company securities whose purchase does not involve any type of "front-end load" sales. To our knowledge, it was never the intention of the Committee on Banking, Housing and Urban Affairs to impose the refund obligations of Sections 27(d) and 27(f) upon "level load" contracts and certificates.

In considering the Investment Company Amendments Act our Committee declined to enact the Commission's recommendations that "front-end load" contractual plans be completely abolished. Instead, the Committee provided refund rights to afford investors a measure of protection against the financial hardships which often result from the early termination of a "front-end load" contractual plan. Such a legislative purpose is wholly absent under a plan where sales deductions vary only slightly, if at all, and do not exceed the statutory limit of 9 percent on any single payment.

We therefore hope that the Commission will reconsider its staff recommendation to apply the provisions of Section 27(d) and 27(f) of the Act to investment securities purchased under "level load" plans. We would, of course, be receptive to receiving the views and comments of the Commission on this matter.

Sincerely,

HARRISON A. WILLIAMS, Jr.
WALLACE F. BENNETT.

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SECURITIES AND EXCHANGE COMMISSION,
*Washington, D.C., June 25, 1971.*

Hon. HARRISON A. WILLIAMS, Jr.,
Hon. WALLACE F. BENNETT,
*Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.*

DEAR SIRS: Thank you for your letter of June 21, 1971 stating that, in the recent amendments of the Investment Company Act, it was not intended to impose refund obligations upon "level load" contracts and certificates.

The Commission, in considering the implementation of these amendments, was confronted with the fact that Section 27(f) extends the refund right to *any* periodic payment plan.

The definition of "periodic payment plan certificate" makes no distinction as to the percentage of the payment deducted as "sales load." The amendment gives refund rights to a holder of a "periodic payment plan certificate" whether or not the sales load on any payment exceeds 9 percent. Because there seems to be no ambiguity as to what the Act says on this score, we were unable to see how we could give expression to the fact that the original purpose of the amendment was directed towards and front-end load plans.

We also considered whether we could exercise our powers under Section 6(c) of the Investment Company Act to exempt these periodic payment certificates from Section 27(f). However, to do so, we'd have to find that such an exemption was "necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of" the Act. We are not able to satisfy ourselves that we could find it "consistent with the protection of investors" to take away a refund right that had been granted them by the express language of the law.

I will be pleased to come over and discuss with you how this gap between the intent and the expression of the statute can best be handled.

I am attaching a staff memorandum which indicates how we have grappled with the problem of trying to conform the literal requirements of the statute with the broad purpose and intent as indicated in your letter.

With best personal regards.

Sincerely yours,

WILLIAM J. CASEY,
*Chairman.*

Mr. BENNETT. Mr. President, the Securities and Exchange Commission does not agree with our interpretation of the intent of Congress. Perhaps that is not the way to say it. They maintain that the language in the law is such that they cannot carry out what was obviously the intent of the committee, and in order to comply with the intent of Congress, the Honorable William J. Casey, Chairman of the Securities and Exchange Commission, has said that it would be necessary to amend the act so that the Commission would not be risking the possibility of going against the language of Public Law 91–547.

The Chairman stated that he understands the point of view of the committee, and if the amendment is offered, he will support it before the committee.

Therefore, for myself and Senators SPARKMAN, TOWER, and WILLIAMS, in order to clarify the intent of Congress, I submit an amendment to accomplish this purpose.

Mr. President, I ask unanimous consent that a brief statement explaining the problem involved in the difficulty which has required the necessity for this amendment be printed at this point in the RECORD.

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

STATEMENT

When Section 27(f) was under consideration, the members of Congress, the Securities and Exchange Commission, the representatives of the mutual fund industry, and the representatives of the insurance industry, all considered the term "periodic payment plan", as used in that section, to be synonymous with securities that were sold with a front-end load. It is entirely inconsistent with the spirit, objective and intention of this legislation to apply the phraseology of this section to contracts which provide for sales load deductions of 9 percent or less from each purchase payment. The Commission did not seek, and the Congress did not intend to grant, any such regulatory power. Accordingly, it would be fully in keeping with the purposes and policies of the Act, to make Section 27(f) inapplicable to such contracts.

The Securities and Exchange Commission's original proposal was that the so-called front-end load plans should be flatly prohibited. A compromise finally emerged. The Congress permitted contracts with the tra-

ditional 50 percent first-year load to continue to be sold but with the condition that only 15 percent of the purchase payments could be retained where the contract was terminated within the first 18 months (see Section 27(d)). Alternatively, the company could avoid this refund obligation if approximately the same sales load that would have been deducted over the first four years, under a 50 percent first-year load plan, was deducted over a four-year period with not more than 20 percent deducted from any payment (see Section 27(h)). In both cases, to guard against the possibility that the contracts might be hastily purchased without a full appreciation of the higher first-year cost, particularly by unsophisticated buyers, provision was made in Section 27(f) for the purchaser to surrender his plan—within a 45-day period—after being given notice of his right to do so. This has come to be known as the "45-day free look."

The normal contractual, or front-end load, plan comes within the definition of "periodic payment plan certificate" under the Investment Company Act of 1940. When variable annuity contracts were first issued, the SEC determined that such contracts would also be technically within the definition of a periodic payment plan certificate for purposes of the 1940 Act. It should be noted, however, that variable annuity contracts are generally more closely analogous to the voluntary systematic accumulation plans currently offered by many mutual fund underwriters than to traditional contractual plans. Most variable annuity contracts, like voluntary accumulation plans, provide for payments not for any fixed number of years but rather at the option of the buyer, with no "penalty" imposed if he fails to carry out his investment intention.

I fail to see any justification for treating variable annuity contracts differently from voluntary accumulation plans where the sales load deducted from any payment for the annuity contract is not in excess of 9 percent. In fact, I feel that there is ample evidence in the legislative history of P.L. 91–547 to demonstrate that Congress never intended that the amended Section 27(f) be applied to these contracts. However, the SEC now construes the wording of this section to include variable annunity contracts calling for deductions of 9 percent or less. To eliminate this result, I am introducing this amendment to make it clear that such contracts do not come within Section 27(f). The language of the proposed amendment would accomplish that purpose with a minimum change.

I have been informd by the Chairman of our Securities Subcommittee that he will do all he can to assure early action on this proposal.

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By Mr. HUGHES (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. MUSKIE):

S. 2217. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Referred to the Committee on Labor and Public Welfare, and, by unanimous consent, if and when reported, to the Committee on Government Operations, to consider title II.

FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1971

Mr. HUGHES. Mr. President, on behalf of myself and Senators JAVITS, WILLIAMS, and MUSKIE, I am introducing the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971."

This bill combines essential elements of the President's emergency program together with provisions of other health-oriented proposals of the past 2 years originating in both House and Senate.

Our reason for introducing a comprehensive drug bill of this nature at this time is that owing to the extreme urgency of the drug crisis, it seems essential to get into the legislative hopper without delay, a workable framework in which these separate, substantive proposals can be combined.

With the drug contagion increasing at its present alarming rate, even a few weeks' delay could make a tragic difference. The hard drug addiction problem among our troops in Vietnam adds special urgency to the need for prompt action.

I have a summary of the provisions of this legislation and ask unanimous consent that it be printed in the RECORD.

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

SUMMARY OF FEDERAL DRUG ABUSE AND DRUG DEPENDENCE, PREVENTION, TREATMENT AND REHABILITATION ACT OF 1971

This bill seeks to bring together the best legislative ideas and suggestions which we have seen during the past year into a single, unified proposal which can form the basis for agreement of the Senate at the earliest possible time on action to be taken in the drug area from the prevention and treatment point of view.

Briefly, the bill:

Establishes an Office of Drug Abuse Prevention and Treatment in the Office of the President. The Office would co-ordinate the total Federal efforts in the drug abuse area, including the efforts of the Department of Defense, the Department of Justice, the Department of State, and other government agencies not covered by the President's own proposal. The Director of the new Office would have policy controls over all drug programs, but would not administer those programs directly;

Requires an annual report by the Director of the new Presidential Office which will (1) contain a detailed, comprehensive Federal plan for utilizing all available prevention and treatment resources to combat the drug problem from the prevention and treatment point of view; (2) describe the various existent model and experimental methods of treatment and rehabilitation, their advantages and disadvantages, and make recommendations for communities as to their implementation; and (3) set forth the Federal programs conducted, expenditures made, results achieved, plans developed and problems discovered in the operation and coordination of the various Federal prevention, treatment, and rehabilitation programs;

Establishes a National Institute on Drug Abuse and Drug Dependence, in the Department of Health, Education and Welfare, to coordinate that agency's many fragmented programs in the drug abuse and drug dependence area. The overall responsibilities of the new Institute are spelled out in detail in the legislation;

Establishes several new grant programs for assistance to state and local communities in the prevention and treatment area:

(1) An Emergency Supplemental State Assistance Program, in which $100 million is authorized over a 3 year period for emergency supplemental funding to States to provide immediate aid for planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs;

(2) A Model and Experimental Prevention, Treatment and Research Program, in which $180 million is authorized over a 3 year period to (a) establish, conduct, and evaluate model and experimental drug abuse and drug dependence prevention and treatment programs; (b) make grants to finance prevention and treatment programs which are jointly established by a broad cross section of community-based programs providing a broad range of services in a specified area to be served; and (c) conduct a special emphasis research program to stimulate research efforts to discover, develop, or improve chemical substances or techniques for using such substances in the prevention and treatment of drug abuse and drug dependence; and

(3) An Expanded Community Mental Health Centers Drug Treatment and Rehabilitation program, in which the authorizations for that program for the last remaining fiscal year of the program are increased from 60 million to 120 million. Such centers must be prepared to treat drug abusers and drug dependent persons in the area they serve.

Secures treatment and other related rights for veterans. The bill's provisions (1) require the Veterans Administration to provide treatment and rehabilitation services to all veterans for drug abuse and drug dependence, and (2) require that persons who have been discharged from the services under conditions other than honorable as a result of drug abuse or drug dependence and who have successfully been rehabilitated, be allowed to obtain a discharge of honorable character which will allow them to be eligible for regular benefits due to veterans.

Requires that the U.S. Civil Service Commission establish drug abuse and drug dependence prevention, treatment, and rehabilitation programs for Federal civilian employees, and guarantee employees with drug dependence the same employment conditions and benefits as persons who are ill from other causes;

Establishes an independent National Advisory Council on Drug Abuse and Drug Dependence, to insure outside evaluation of Federal efforts in this area.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the bill which was introduced a short time ago by the distinguished junior Senator from Iowa (Mr. HUGHES) be referred to the Committee on Labor and Public Welfare, and that if and when it should be reported by that committee, it then be referred to the Committee on Government Operations for its consideration of title II, should such consideration be desired by that committee.

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

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By Mr. TOWER:

S.J. Res. 123. A joint resolution on reduction of Federal Expenditures Resolution of 1971; and

S. 2215. A bill to make effective in 1971 the increases in personal exemptions and the standard deduction enacted by the Tax Reform Act of 1969 and originally scheduled to become effective in 1972 and 1973. Referred to the Committee on Finance.

INDIVIDUAL INCOME TAX REDUCTION ACCELERATION ACT OF 1971

Mr. TOWER. Mr. President, in this period of gradual recovery from the economic slump of 1970, it is becoming evident that monetary policy alone is not providing sufficient impetus to the economy to move it as rapidly forward as we would like. Although interest rates dropped substantially in late 1970 and

early 1971, consumer spending and business investment have not increased sufficiently to provide a full employment demand level. Consequently, unemployment is holding at around 6 percent and the country is losing the productive efforts of at least the frictionally unemployed portion of that figure.

I am today introducing a measure designed to give the economy a strong boost through acceleration to 1971 of the personal exemption and deduction liberalization provisions of the 1969 Tax Reform Act, scheduled to take effect in 1972 and 1973. If these could be moved forward to take effect this year, the cash effect would take place almost immediately through changes in withholding rates, and extra cash would be immediately available to the consumer. The effect of this acceleration would be to increase the personal exemption from its present figure of $650 to $750 per person, and to increase the standard deduction from 13 percent of income—$750 limit—to 15 percent of income—$1,000 limit—per person.

However, this measure would have an even more important effect than consumer liquidity, and that would be the psychological impact of such a strong, "bullish" action on the attitudes of consumers and businessmen toward consumer spending and business investment, respectively. If the taxpayer feels that economic activity will be boosted by this move, and the prospects for the future of his own job and income are correspondingly improved, he should be willing to spend at a more normal rate than has characterized his cautious behavior over the last year or so. The businessman would also feel that the market for his products is greater with more cash in the hands of consumers, and begin to invest in more capital equipment and inventory. The easing of this caution factor should be the single most important development of accelerated tax benefits, and ought to be able to fuel substantial economic growth before the end of 1971.

It is also important to note that the cost of supporting an individual has been increasing over the years since the $600—now $650—personal exemption and $500—now $750—standard deduction were put into effect, and some substantial relief for the taxpayer in this regard is long overdue, in my opinion.

The purpose of a tax cut within the framework of fiscal theory is to put more money in the hands of consumers, whose spending will help generate economic activity, more income, and more jobs. When the gross national product is below the full employment level, as it is now, either a tax cut or an increase in Government expenditures is needed to cause more demand for goods and services in the economy, which in turn increases the demand for labor and puts the unemployed back to work. This not only benefits such workers and their families, but also the entire Nation, due to the increased production of goods and services that their employment brings about. Also, these now-employed workers pay taxes and go off unemployment compensation or welfare rolls, relieving the heavy strain placed on these programs recently.

Of the two methods of accelerating economic activity toward full employment, increased Government spending and tax cuts, I prefer the tax cut method, because it gives greater control of the Nation's goods and services to the people who produce them, rather than to the almost uncontrollable appetite of the Federal Government to dominate resource allocation. Federal spending, economists say, is a more efficient method of increasing demand, income, and employment, since all dollars allocated to it—taxed and borrowed dollars—are actually spent or transferred to spenders, while the aggregate of the taxpayers spend only part of their tax savings. But if we follow that principle to its ultimate end, the Government would take all earned income, dispense enough for living costs to its citizens, and invest the remainder, always adjusting demand to create full employment. This is obviously undesirable to a country with a tradition of individual freedom, and the only question is, what proportion of our income are we willing to turn over to Government to control?

I feel that we already suffer from too large a Federal tax burden, and rather than to have the Government try to spend us into further economic growth, I would prefer to provide tax savings to individuals and let them decide what the nature of the increased demand will be.

In addition to the tax relief acceleration bill, I have a corollary measure which I feel is needed to keep the Federal deficit from increasing due to passage of the tax relief bill. I propose that the fiscal 1972 appropriations be reduced by an amount equal to the impact of the tax relief on our tax revenues, in order to keep the already planned deficit from increasing further. I realize fully that this deficit is designed to create full-employment demand, with a long-term projection of deficits in weak years and surpluses in strong years which would probably neutralize each other over the long run. And, I realize that in macroeconomic theory, equal reductions of taxes and Government spending will theoretically result in not only offsetting the intended spending benefit of the tax cut, but actually serve to reduce overall spending, because the marginal propensity to spend of the Government is a 1-to-1 ratio, while that of the consumer is more like 3 to 4.

The reason I feel that the tax cut can go hand-in-hand with a corresponding cut in Government spending is the factor of consumer optimism that would be generated by a decisive, "bullish" action such as the accelerated tax cut. The release of the unusual self-restraint on consumer spending that has developed over the last year or so would be the most important consequence of the tax cut, and would, in my opinion, offset the impact of reduced Federal spending. This measure would therefore keep the tax cut from creating an additional Federal deficit, and meet the concern of most Americans that any full employment budget deficits that have to be undertaken are of a reasonable size that can be expected to be offset by future surpluses. This balancing effect over a period of time will assure the people that Government spending has an automatic fiscal governor on it over the long run, and that the Federal Government will not be dominating the financial markets for its own purposes in derogation of business, State, and local government financial needs.

Mr. President, I ask unanimous consent that the text of my bill and resolution be printed at the conclusion of my remarks.

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

S.J. RES. 123

Whereas the Congress finds that the acceleration to the tax year 1971 of personal income tax exemption and deduction benefits from their scheduled application in 1972 and 1973 is in the public interest in maintaining a rate of economic growth sufficient to fully employ the Nation's labor and capital resources; and

Whereas the reduction in tax revenues accompanying such individual tax-relief acceleration would cause an additional federal deficit to be incurred over and above the already large full employment deficit involved in the Fiscal 1972 Budget; and

Whereas the Congress would prefer to limit deficit financing of federal expenditures to amounts which can be offset by expected surpluses in future years: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America assembled,* That this resolution may be cited as the "Reduction of Federal Expenditures Resolution of 1971"; and be it further

*Resolved,* That the Congress hereby declares it to be the policy of Congress and of the Federal Government to take such steps as may be necessary to reduce discretionary federal expenditures for Fiscal Year 1972 in quantity sufficient to offset the loss of 1971 tax revenues expected to be incurred due to the acceleration of personal income tax benefits, provided for in the "Tax Reform Act of 1969", from tax years 1972 and 1973 forward to the tax year 1971.

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S. 2215

A bill to make effective in 1971 the increases in personal exemptions and the standard deduction enacted by the Tax Reform Act of 1969 and originally scheduled to become effective in 1972 and 1973

*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 "Individual Income Tax Reduction Acceleration Act of 1971."

SEC. 2. (a) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of personal exemptions) is amended by striking out "$650" wherever it appears therein and inserting in lieu thereof "750".

(b) Section 6013(b)(3)(A) of such Code (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out "$650" wherever it appears therein and inserting in lieu thereof "$750", and by striking out "$1,300" wherever it appears therein and inserting in lieu thereof "$1,500".

(c) Subsections (c) and (d) of section 801 of the Tax Reform Act of 1969 are repealed.

SEC. 3. (a) Section 141 of the Internal Revenue Code of 1954 (relating to standard deduction) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Percentage Standard Deduction.—The percentage standard deduction is an amount equal to 15 percent of the adjusted gross income, except that such deduction shall not exceed $2,000 ($1,000, in the case of a separate return by a married individual).

"(c) Low Income Allowance.—The low in-

come allowance is $1,000 ($500 in the case of a separate return by a married individual)."

(b) Section 802(e) of the Tax Reform Act of 1969 is repealed.

SEC. 4. (a) Section 6012(a)(1) of the Internal Revenue Code of 1954 (relating to persons required to make returns of income) is amended—

(1) by striking out "$600" each place it appears therein and inserting in lieu thereof "$750";

(2) by striking out "$1,700" each place it appears and inserting in lieu thereof "$1,750"; and

(3) by striking out "$2,300" each place it appears and inserting in lieu thereof "$2,500".

(b) Section 941(d) of the Tax Reform Act of 1969 is repealed.

SEC. 5. (a) Section 3402(a) of the Internal Revenue Code of 1954 (relating to requirement of withholding) is amended—

(1) by striking out "January 1, 1972" in paragraph (3) and inserting in lieu thereof "the 15th day after the date of the enactment of the Individual Income Tax Reduction Acceleration Act of 1971";

(2) by striking out paragraph (4) and by renumbering paragraph (5) as (4); and

(3) by striking out "after December 31, 1972" in paragraph (4) (as renumbered) and inserting in lieu thereof "on or after the 15th day after the date of the enactment of the Individual Income Tax Reduction Acceleration Act of 1971".

(b) Section 3402(b) of such Code (relating to percentage method of withholding) is amended by striking out the table contained therein and inserting in lieu thereof the following:

*"Percentage Method Withholding Table*

| "Payroll period: | *Amount of one withholding exemption* |
|---|---|
| Weekly | $14.40 |
| Biweekly | 28.80 |
| Semimonthly | 31.30 |
| Monthly | 62.50 |
| Quarterly | 187.50 |
| Semiannual | 375.00 |
| Annual | 750.00 |
| Daily or miscellaneous (per day of such period) | 2.10." |

(c) Paragraphs (3) and (4) of section 805 (b) of the Tax Reform Act of 1969 are repealed.

SEC. 6. The amendments made by sections 2, 3, and 4 shall apply to taxable years beginning after December 31, 1970. The amendments made by section 5 shall apply with respect to wages paid on or after the 15th day after the date of the enactment of this Act.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1534

At the request of Mr. HUMPHREY, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1534, a bill to prescribe additional health benefits for certain dependents.

S. 2161

At the request of Mr. HARTKE, the Senator from Idaho (Mr. JORDAN) was added as a consponsor of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.



SENATE JOINT RESOLUTION 108

At the request of Mr. CRANSTON, the Senator from Colorado (Mr. ALLOTT) and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

## SENATE RESOLUTION 144—SUBMISSION OF A RESOLUTION PROVIDING FOR EMPLOYMENT OF STUDENT INTERNS BY SENATORS

(Referred to the Committee on Rules and Administration.)

U.S. SENATE STUDENT INTERN PROGRAM

Mr. CHILES. Mr. President, our Nation is faced with an apparent ever-widening gap in the understanding between government and our young people. It is not my intent today to try to pinpoint the reasons for this, for I believe it has become far too complex for anyone to understand fully.

What I do want to call attention to is the desperate need for us to be aware of this growing gap, to be concerned about it and to want to do something positive about it. We must not sit idly and hope that time will close the breach; we must act to do so in any responsible way that we can.

Toward this end, I am today introducing a resolution calling for the establishment of a U.S. Senate student intern program. Its purpose is to bring about direct contact with young people and the legislative process, to create an understanding of the Senate, its role and procedures; and to encourage them to carry this understanding in their future endeavors.

I feel the Senate has a great many benefits to gain by this action. My support of internship programs, beginning with my service in the Florida Legislature, stems from three goals.

First, programs of this kind enhance the chance and opportunity to bring through the ranks potential career professional staff members who have had initial exposure to the legislative process.

Second, many of the interns will become teachers. What better way to broaden their perspective than by allowing them to participate and contribute to the workings of their government. We must never forget many of these interns will be in the classroom working with our young people, guiding and molding opinions of our Government with actual firsthand experience. They will be able to make government real and relevant to their students.

The third reason we can all benefit by this program is that some of these interns will be developing the motivation to some day seek elective office. This incentive should be a positive one and one which should be based on practical experience.

In sum, we have everything to gain from the experience of offering young people another opportunity to roll up their sleeves and come in—the water is fine.

The resolution (S. Res. 144) reads as follows:

S. RES. 144

*Resolved,* That (a) notwithstanding any other provision of law, each Member of the United States Senate is authorized to hire for two and one-half months during the period June 1 to August 31, inclusive, each year, one additional employee to be known as a "United States Senate student intern". For this purpose, each Member of the Senate shall have available for payment to such intern a gross allowance of $750, at the gross rate of $300 per month, payable from the contingent fund of the Senate until otherwise provided by law. Such allowance and such intern shall be in addition to all allowances and personnel made available to such Member under other provisions of law.

(b) No person shall be paid compensation as a United States Senate student intern who does not have on file with the Sergeant at Arms at all times during the period of his employment, a certificate that such intern was during the academic year immediately preceding his employment a bona fide student at a post high school educational program.

SEC. 2. The Senate Committee on Rules and Administration shall make such regulations as may be necessary to carry out this Act.

## ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. PACKWOOD, the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BIBLE), the Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Concurrent Resolution No. 8, a concurrent resolution relating to the control of international drug traffic.

SENATE CONCURRENT RESOLUTION NO. 25

At the request of Mr. JAVITS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Concurrent Resolution 25, calling for an International Monetary Conference.

## CHANGE IN HEARING DATES ON INDIAN LEGISLATION

Mr. JACKSON. Mr. President, on June 8, I announced to the Senate that open hearings would be held before the full Committee on Interior and Insular Affairs on July 19 on Senate Concurrent Resolution 26, the national Indian policy resolution, and on July 20, before

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the Subcommittee on Indian Affairs, on S. 1401, the Indian education bill.

I now wish to announce that it has been necessary to change the dates of these two hearings as follows:

On July 21 the full Interior Committee will hold a hearing on Senate Concurrent Resolution 26 and on July 22, the Indian Affairs Subcommittee will hold a hearing on S. 1401.

The hearings on both days will begin at 10 a.m. in room 3110, New Senate Office Building.

## NOTICE OF HEARINGS ON DRUG ABUSE CONTROL LEGISLATION

Mr. RIBICOFF. Mr. President, for myself and Senator MUSKIE, I announce that on Wednesday, July 7, the Subcommittee on Executive Reorganization and Government Research and the Subcommittee on Intergovernmental Relations will begin joint hearings on S. 1945, introduced by Senator MUSKIE, and S. 2097 cosponsored by Senator PERCY, myself and others. The hearing will be held in room 3302, New Senate Office Building at 10 a.m. A principal purpose of each bill is the establishment of a White House office to supervise Federal drug abuse control programs and promote better coordination among them. Senator MUSKIE and I will rotate the chairing of the hearings.

In the space of a few short weeks it has become a cliche that our country is in the midst of a narcotics epidemic. Newspapers, magazines, and television proclaim the soaring statistics. The Gallup poll shows that in the past 3 months drug addiction has jumped from seventh to third on the list of most important national concerns. The stories of narcotics experimentation among our servicemen in Vietnam add another sad chapter to the tragedy of our involvement in that distant land.

What are the reasons for the alarming rise in narcotics addiction? What can the Federal Government do to halt this dread menace to our younger generation and prevent its spread? What treatment can we offer to those already afflicted which will promote their rehabilitation and return to society as useful citizens?

These are only a few of the questions we will explore in the coming hearings. I look forward to working with the Senator from Maine (Mr. MUSKIE), the chairman of the Intergovernmental Relations Subcommittee, in our search for effective legislation to deal with this urgent problem.

## NOTICE OF HEARING ON BILLS RELATING TO THE FEDERAL CROP INSURANCE PROGRAM

Mr. ALLEN. Mr. President, I wish to announce a hearing on bills relating to the Federal crop insurance program has been scheduled by the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry for Wednesday, July 14. The hearing will include, but will not be limited to, the following bills:

S. 1197, to extend availability of Federal crop insurance and to authorize the appropriation of funds for administrative expenses of the Federal crop insurance program;

S. 1601, to amend the Federal Crop Insurance Act, as amended; and

S. 2212, to provide Federal crop insurance against loss of investment.

The hearing will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the clerk of the committee as soon as possible.

## NOTICE OF HEARINGS ON EMERGENCY LOAN GUARANTEES FOR PRIVATE ENTERPRISES

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing, and Urban Affairs will reopen hearings on legislation to provide emergency loan guarantees for private enterprises.

The hearings will be held on Wednesday, Thursday, and Friday, July 7, 8, and 9, 1971, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Dudley L. O'Neal, Jr., Senate Committee on Banking, Housing, and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225-7391.

## ADDITIONAL STATEMENTS

### BIRTH OF U.S. POSTAL SERVICE

Mr. McGEE. Mr. President, Thursday marks the birth of the U.S. Postal Service, conceived somewhat less than a year ago as the result of passage of the Postal Reorganization Act of 1970. But it marks more than that, for the expiring U.S. Post Office has been in existence since a moderately successful Philadelphia publisher named Benjamin Franklin, who also had a bit of diplomatic experience behind him by that time, as well as a record of having been dismissed by the Crown's Postmaster General, was named to head the first official American postal service in 1775—a year before the Declaration of Independence was signed.

Mr. Franklin immediately undertook to drive the King's postal service out of business and started what some cynics might recall was a longtime tradition in the Post Office. He engaged in a bit of nepotism by appointing his son-in-law secretary-comptroller. His daughter's husband, indeed, succeeded Mr. Franklin as Postmaster General in 1776.

In the intervening years, the Post Office grew, as did the United States. But it grew out of all proportion, even, to the amazing growth of this country. The postal service over which Mr. Franklin assumed command extended only from Falmouth, Mass., to Savannah, Ga.

As former Postmaster General James A. Farley has observed, the history of the postal service is in some ways the history of the Nation itself.

As chairman of the Committee on Post Office and Civil Service, and as an author of the Postal Reorganization Act of 1970, I want today to pay tribute to the thousands upon thousands of men and women who made the U.S. Post Office work as it progressed through the throes of the Nation's growth from a very small and uncertain undertaking under Benjamin Franklin into one of the truly great industrial giants of, not only this Nation, but of this world—surpassed as an employer of numbers of people only by American Telephone & Telegraph and General Motors, to the best of my knowledge.

The problem faced by the old Post Office Department was, to put it succinctly, how to cope with the tremendous rate of growth it experienced year-in and year-out—how to provide the people, the machinery and the funds with which to meet the ever-increasing demands of the American people and American business for postal service.

Early in 1967, former Postmaster General Lawrence F. O'Brien observed that the Post Office was in a race with catastrophe. The signs that his diagnosis was correct continued to build up until last year, faced with, among other things, a strike by dissatisfied postal employees, Congress voted to reorganize the postal service.

The portents of this action are not all happy ones. Of course, if we deluded ourselves by thinking the consequences of such a sweeping change would be uniformly satisfactory, we would be guilty of utopianism. Nevertheless, in recent months, complaints about the postal service have risen to all-time highs.

Let me cite a few examples, picked at random, from the mail on my desk as these remarks were being prepared. One item is a brief note from a lady in Kansas City, Kans., complaining that it took 5 weeks for a letter to arrive from her daughter across the Missouri River in Kansas City, Mo.

Another from a professor at the University of Oregon, who enclosed a copy of a letter he wrote to the mail subscription desk of the New York Times. He said:

> The present service would have been objectionable even before the First World War, and at lower rates rather than higher rates. If the *Times* and other publishers and their subscribers and advertisers cannot persuade the Postal Service to offer at least as good service as we had twenty or thirty years ago, could not they find some other organization capable of transporting mail at twentieth-century speeds?

Finally, a letter addressed to me from a member of my own staff in Casper, Wyo., which was carried under frank, took from May 6—the date of its postmark in Casper—until June 18 to arrive.

There are better examples present—some letters transmitted by airmail from Chicago to Cheyenne in 1 or 2 days, and from Washington, D.C., to Seattle in 2 days. Would that there were more of these.

Perhaps it is appropriate to quote Postmaster General Farley, who said:

> If the people of the United States were as interested in superior postal service as, let us say, the people of Great Britain have always been, and if they were just as insistent on the maintenance of excellence, Congress, the Bureau of the Budget, and the Department itself would be far less inclined to make the principle of service subservient to that of

economy. Reasonable economy is, of course, necessary in efficient management, but it should always take second place to the requirements of service.

It is my regret, as I said yesterday, that the administration, through the Office of Management and Budget, has moved to undermine the judgment of Congress regarding equitable treatment for the various classes of mail users during the adjustment period while the Postal Service moves toward self-sustaining status financially. It matters not what class of mail users would be affected, really. The point is that Congress's intention to permit a cooperative readjustment in the interest of achieving a more capable postal service has been disregarded. Indeed, it was disregarded even prior to the official beginning of the new postal system.

It may be, Mr. President, that the people of America have, over the nearly 200 years of history which have passed since the Post Office was instituted by the Continental Congress, come to take the service for granted. If so, there is mounting evidence that they no longer do so. Indeed, it was the widespread unhappiness across the land with the level of postal service which inspired the long and tough deliberations which resulted in the reorganization of our post office operations under a Board of Governors and a Postmaster General removed from the President's Cabinet. The enactment of that law cannot solve all the problems of the Postal Service. It is too early to pronounce any judgment, as some are willing to do, on the new organization and summarily dismiss it as a failure before it starts.

The job facing the new U.S. Postal Service is a big one indeed, and I remain hopeful, Mr. President, that the personnel, from the Governors on down to the junior substitute in each and every post office, will measure up to that job and provide the American people with the type of first-class mail service they deserve and operate so as to fulfill the postal policy of the United States which was set forth last year in the Postal Reorganization Act:

§ 101. Postal policy

(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the over-all value of such service to the people.

(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

## ACCOMPLISHMENTS OF THE FIRST SESSION OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, the first session of the 92d Congress convened on January 21 of this year. Thus far, the Senate has met on 92 days, passed over 240 measures, and, through yesterday, had taken 116 rollcall votes.

In the latter part of January, the Senate began to debate the question of changing Senate Rule XXII and the debate extended into early March. The proposed change would have lowered from two-thirds to three-fifths of those Senators present and voting, the number necessary to invoke cloture. While the Senate did not approve the rules change, I do not believe that the amount of time spent on this matter was an exercise in futility. Indeed, it would appear that not only new Members gave deep thought to the significance of cloture vote but that some of our Members with long years of Senate service reflected seriously on a possible change in attitude toward, if not a change in, the rule regarding cloture. Even under the existing rule, the Senate's business can be expedited if Members would try to differentiate between what is the procedural vote of cloture and the vote of substance on the issue itself. It can be entirely consistent in any given situation to vote yea on the former and nay on the latter.

During this session the Senate also has debated at length H.R. 6531, the military selective service-military pay bill. An amendment sponsored by various of my colleagues and myself which would have provided for a cut by one-half in U.S. military personnel in Europe by the end of this year was, along with related amendments, the subject of discussion for several weeks. I regret the Senate did not see fit to call for a reduction of our troop commitment in Europe. Nonetheless, I have no regrets that the proposal was brought before the Senate for an up-or-down vote and it will be brought again, as necessary, in the future.

Also, during debate on the military bill the Senate went in depth into such matters as whether the military draft should be extended and, if so, for how long; the merits of moving toward the formation of an all volunteer armed force; and providing increases in military pay. An amendment providing for the identification and treatment of drug and alcohol dependent persons in the Armed Forces was agreed to by a unanimous vote of 76 to 0.

Additionally, debate focused on various proposals to bring the war in Vietnam to a close. A substitute amendment to bring this about, which was initially sponsored by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) and myself, was agreed to by the Senate on June 22 by a vote of 57 to 42 and subsequently given the Senate's endorsement by a vote of 61 to 38. The amendment declares it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of enactment subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government. Conferees are currently meeting to resolve the differences in the Senate and House versions of the bill, and it is my hope—moreover, my expectation—that the action the Senate took in regard to this reasonable "end-the-war" amendment will be sustained. The conference report on the military selective service-military pay bill will receive early attention by the Senate when it returns.

The Senate has achieved significant progress in other legislative areas as well. The Nation's economic problems have not been solved. Nor have they been alleviated in any substantial degree. Congress, however, has passed important measures this session designed to put the brakes on unemployment and put the economy in a higher gear. Just yesterday, the Senate adopted the conference report on the Emergency Employment Act of 1971 which will serve to aid in halting spiraling unemployment.

Congress approved the extension of the Public Works Acceleration Act, Public Works and Economic Development Act, and the Appalachian Regional Development Act. In my opinion, this collection of legislative proposals would serve to attack a broad range of severe economic problems faced by the Nation today. Unfortunately, yesterday President Nixon vetoed this bill because it reactivated the Public Works Acceleration Act of 1962. Reactivation of that act would serve the purpose of increasing employment in areas of greatest need and provide communities with basic and long-neglected facilities. It would create a number of badly needed jobs within the year and return idle workers to the mainstream of

productivity. Shortly after the Congress returns from its Fourth of July recess, the Senate will proceed to consider attempting to override what I consider to be an ill-advised and economic hardship veto.

This session Congress has also approved an extension of the interest equalization tax and has extended the authority it has given the President to institute wage and price controls.

Congress has also approved legislation creating a rural telephone bank, continuing funding for child nutrition programs, extending the Juvenile Delinquency Prevention and Control Act, authorizing funds for our maritime fleet, granting a 10-percent increase in social security benefits, and proposing a constitutional amendment to lower the voting age to 18 in local and State, as well as national elections. Both Houses of Congress have passed bills authorizing appropriations for the National Science Foundation and the National Aeronautics and Space Administration and doubtless these measures will be enacted into law soon.

Congress acquiesced in the President's reorganization plan to establish in the executive branch a new agency, ACTION, to administer various volunteer programs. Both Senate and House committees have begun consideration of the President's major proposals to reorganize the executive branch.

The Senate has passed measures dealing with such matters as emergency school aid and quality integrated education, drug abuse, and health improvements. It has also approved a number of measures relating to the establishment of recreational areas and national parks and forests, measures designed to preserve for present and future Americans the bounties of nature bestowed on our land.

With respect to congressional action on appropriations bills, the situation has not been all we would have desired. I should emphasize, however, that the appropriations committees in both the Senate and House have certainly been very actively at work in examining the appropriations requests. It might be added that periodically the executive branch sends forth amendments to its initial budget requests which add to the already heavy burden imposed on the appropriations committees. Developments in recent years, moreover, have led to a congressional confrontation this session with various supplemental appropriations bills for the preceding fiscal year—one single bill involving over $7 billion, in fact. The necessity of action on the supplementals has resulted, of course, in a delay in opportunity for the appropriations committees to devote their full time and attention to the regular money bills for fiscal year 1972.

I am pleased, may I say, that the Joint Committee on Congressional Operations has held hearings this year on proposals to change from a fiscal year basis to a calendar basis the appropriations schedule of the Federal Government. For a number of years, the distinguished Senator from Washington [Mr. MAGNUSON] has been in the forefront in advocating such a change, and I am a seconder of his proposal. Hopefully, action will be recommended to the Senate by the committee which will enable the time coverage of appropriations bills to coincide with the calendar year.

Prior to adjournment this year, a number of other legislative matters, of course, await the disposition of the Senate. These include campaign reform, military procurement and military construction bills, consumer legislation, the Sugar Act, and welfare and social security reform. Among other matters for consideration will be a foreign aid bill, drug abuse legislation, the atomic energy authorization, economic opportunity programs, higher education, a program designed for cancer conquest, water pollution control programs, and veterans' legislation.

Mr. President, as I noted earlier, this has been a busy and constructive year for the Senate thus far this season. To all Members of the Senate, the Democratic leadership is deeply indebted for their assistance in making it possible to move the Senate's legislative program along in a careful but timely way. To the distinguished minority leader (Mr. SCOTT) I also wish to express a particular word of thanks at this time. His cooperative manner and mundane sense of humor have contributed in high fashion to enabling the Senate to move along with its business.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a summary of major Senate legislative activity since the first session of the 92d Congress convened.

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

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, 1ST SESSION

(By Senate Democratic Policy Committee)

Symbols: P/H—Passed House; P/S—passed Senate.

Following is a brief summary of major Senate activity.

AGRICULTURE

Burley tobacco—Extended the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971. Public Law 92–1.

Burley tobacco—Poundage quotas—Provided for poundage quotas, without acreage allotments, for burley tobacco; provided for a referendum of burley tobacco growers to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the next 3 crop years; increased to 15,000 pounds the amount of quotas a farmer may lease; provided that farm quotas cannot be reduced more than 5 percent in any year; prevented allotments of ½ acre or less from being cut more than 2½ percent in the years 1972 and 1973. Public Law 92–10.

Child nutrition programs—Authorized the use of $35 million in section 32 funds for the National School Lunch Act in fiscal year 1971 and $100 million in section 32 funds to carry out the provisions of that act regarding free and reduced price meals to needy children in fiscal year 1972; extended the authorization for the school breakfast program for fiscal years 1972 and 1973 and authorized therefor $25 million for each fiscal year and the authorization for the special food assistance program for children for fiscal years 1972 and 1973 and authorized therefor $32 million for each fiscal year; authorized the use of up to $20 million of section 32 funds for the supplemental food program in fiscal year 1972; and contained other provisions. H.R. 5257, Public Law 92–32.

Citrus exports—Called on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community (EEC) with respect to citrus fruits and, should such efforts not succeed, to exercise within 60 days his authority to increase United States import duties or impose other import restrictions against products entering the United States market from the EEC. S. Res. 89, Senate adopted 4/1/71.

*Consolidated Farmers Home Administration Act of 1971 Amendments.*—Amends the Consolidated Farmers Home Administration Act of 1971 to increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million); to extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems); to extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971); to increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million); to transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans, and abolish the direct loan account; to authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act; to increase the ceiling on operating loans to $50,000 (from $35,000); and to authorize insurance of operating loans (of the type now authorized to be made as direct loans). S. 1806. P/S 5/11/71.

*Cotton ginners reports.*—Amends the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass; rather than at the March canvass. S. 932. P/S 5/11/71.

*County committees.*—Amends the Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to consolidate counties or parts of counties for county committee purposes; contains other provisions. S. 1670. P/S 6/21/71.

*Eminent domain pool allotments.*—Repeals the existing requirement that acreage allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area." S. 1545. P/S 6/21/71.

*Feed grain bases or domestic wheat allotments for certain sugar producers; wheat history preservation.*—Authorizes (1) the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operation on or after January 1, 1970, and (2) the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1970 to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history. S. 795. P/S 3/25/71.

*Marketing quota review committee members*—Permits farm marketing quota review committee members to be appointed from any county in the State instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties. S. 1131. P/S 5/11/71.

*Rural telephone bank*—Provided a source of supplementary financing to meet the growing capital need of rural telephone systems through establishment of a rural tele-

phone bank to furnish assured and viable sources of supplementary financing, which bank shall originally be a wholly owned government corporation until 51 percent of the Class A stock has been retired and then to be a mixed-ownership government corporation, subject to annual government audit but not budgetary review. Public Law 92–12.

*Wine promotion activities*—Amends section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, to remove the restriction on foreign market promotion activities for domestic wine. H.R. 1161. Public Law 92–42.

APPROPRIATIONS

*1971*

*Continuing appropriations*—Continued, through June 30, 1971, funding for the Department of Transportation and related agencies, appropriating $2,404,134,605 in new budget authority for fiscal year 1971 and $150 million in fiscal year 1972 advance funding for the Washington Metropolitan Area Transit Authority Public Law 92–7.

*Second supplemental, 1971*—Appropriated $7,028,195,973 in supplemental funds for fiscal year 1971. Public Law 92–18.

*Supplemental—labor*—Appropriated $50,675,000 for unemployment compensation for Federal employees and ex-servicemen. Public Law 92–4.

*Urgent supplemental*—Appropriated $1,037,872,000 for urgent supplemental appropriations for fiscal year 1971 for the Defense Department (claims, defense); the Veterans' Administration (compensation and pensions, and readjustment benefits); the Labor Department (Wage and Labor Standards Administration, salaries and expenses); Department of Health, Education and Welfare, Environment Health Service and Occupational Safety and Health Review Commission; the Small Business Administration (Disaster loan fund); funds appropriated to the President (Disaster relief). Public Law 92–11.

*Office of Education and related agencies*—Appropriated $5,615,918,000 for the Office of Education and related agencies. H.R. 7106. In conference.

*1972*

*Continuing appropriations*—Made continuing appropriations for several departments, agencies, corporations, and other organizational units of the Government to avoid interruption of continuing government functions until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this joint resolution on August 6, 1971, whichever occurs first. H.J. Res. 742. Public Law 92–38.

*Legislative branch*—Appropriated $529,309,749 for the Legislative Branch. H.R. 8825. P/H 6/4/71. P/S amended 6/21/71. House agreed to conference report 6/30/71.

*Office of Education and related agencies*—Appropriated $5,146,311,000 for the Office of Education and related agencies. H.R. 7016. Public Law 92–48.

*Treasury, Postal Service, and general Government*—Appropriates $4,752,789,690 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain independent agencies. H.R. 9271. P/H 6/28/71. P/S amended 6/29/71. In conference.

*Urgent Agriculture appropriations*—Appropriated $17 million to the Department of Agriculture for the summer progam of the non-school feeding programs for children. H.J. Res. 744. Public Law 92–35.

CONGRESS

*Commission on Art and Antiquities of the Senate*—Expands the authority of the Commission on Art and Antiquities of the United States Senate to enable it to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces or corridors thereof. S. Res. 95. Senate adopted 4/1/71.

*Female appointees*—Pemits the appointment for the Senate of pages, elevator operators, post office employees, or Capitol policemen without discrimination on account of sex. S. Res. 12. Senate adopted 5/13/71.

*Joint Committee on the Environment*—Provides for the establishment of a 22-member Joint Committee on the Environment to consist of 11 Members each of the Senate and the House. S.J. Res. 17. P/S 3/16/71. H.J. Res. 3. H. Cal.

CRIME-JUDICIARY

*Juvenile Delinquency Prevention and Control Act Amendments of 1971*—Extended the Act for 1 year, until June 30, 1972 and authorized $75 million for fiscal year 1972 for programs and projects under the Act; authorized an increase from 60 to 75 percent in the Federal share of funding for juvenile rehabilitation projects to make such funding consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968; authorized grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies; and established an Interdepartmental Council to coordinate all Federal juvenile delinquency programs. S. 1732. Public Law 92–31.

*Limited copyright in sound recordings*—Provides for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording. S. 646. P/S 4/29/71.

*Patent Office*—Provides for several miscellaneous amendments of title 35, United States Code, and for an adjustment of the organization of the Patent Office within the Department of Commerce. S. 1254. P/S 4/22/71.

*Patents and trademarks*

Affords patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. S. 645. Public Law 92–34.

Authorizes the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters. S. 1253. P/S 4/22/71.

*United States District Court*—Authorizes the United States District Court for the Northern District of West Virginia to hold court at Morgantown, West Virginia. S. 230. P/S 4/21/71.

DEFENSE

*Disposals from national and supplemental stockpiles*—Authorizes disposal from the national and supplemental stockpiles of various materials, as follows:

*Abaca*—25 million pounds. S. 776. P/S 6/21/71.

*Amosite asbestos*—32,839 short tons. S. 763. P/S 6/21/71.

*Antimony*—6,000 short tons. S. 765. P/S 6/21/71.

*Celestite*—12,270 short dry tons. S. 772. P/S 6/21/71.

*Chromite, chemical grade*—324,500 short dry tons. S. 768. P/S 6/21/71.

*Chromium metal*—4,238 short tons. S. 762. P/S 6/21/71.

*Columbium*—5,010,716 pounds. S. 770. P/S 6/21/71.

*Diamond tools*—64,178 pieces. S. 761. P/S 6/21/71.

*Industrial diamond crushing bort*—18,912,000 carats. S. 751. P/S 6/21/71.

*Industrial diamond stones*—4,961,000 carats. S. 769. P/S 6/21/71.

*Iridium*—256 troy ounces. S. 757 P/S 6/21/71.

*Kyanite-mullite*—4,820 short dry tons. S. 778. P/S 6/21/71.

*Magnesium*—78,000 short tons. S 775. P/S 6/21/71.

*Manganese, battery grade*—4,805 short dry tons. S. 760. P/S 6/21/71.

*Manganese, metallurgical grade*—4,424,840 short dry tons. S. 759. P/S 6/21/71.

*Mica*—5,026,987 pounds. S. 758. P/S 6/21/71.

*Quartz crystals*—330,000 pounds. S. 756. P/S 6/21/71.

*Rare earth materials*—8,233 short dry tons. S. 767. P/S 6/21/71.

*Selenium*—475,000 pounds. S. 771. P/S 6/21/71.

*Shellac*—2.9 million pounds. S. 755. P/S 6/21/71.

*Silicon carbide*—166,453 short tons. S. 754. P/S 6/21/71.

*Sisal*—100 million pounds. S. 777. P/S 6/21/71.

*Thorium*—210 short tons. S. 753. P/S 6/21/71.

*Vanadium*—1,200 short tons. S. 774. P/S 6/21/71.

*Vegetable tannin extracts*—46,263 long tons. S. 752. P/S 6/21/71.

*Zinc*—515,200 short tons. S. 776. P/S 6/21/71.

*Military Selective Service—Military pay*—Extends the military draft for 2 years until July 1, 1973; increases military pay; authorizes military active duty strengths for fiscal year 1972; declares it to be the policy of the United States to terminate all U.S. military operations in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces 9 months after enactment subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government; contains other provisions. H.R. 6531. P/H 4/1/71. P/S amended 6/24/71. In conference.

DISTRICT OF COLUMBIA

*Commission on the Organization of the Government of the District of Columbia—Extension*—Extended the life of the Commission on the Organization of the Government of the District of Columbia 6 months (from September 22, 1971 to March 22, 1972). Public Law 92–25.

*District of Columbia police commendation*—Commends the Chief of the Metropolitan Police Department and other law enforcement personnel for their efficient action during demonstrations in the Nation's Capital in May. S. Res. 119. Senate adopted 5/10/71.

*Memorial to Mary McLeod Bethune*—Extends for 2 additional years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, a prominent Negro educator. S.J. Res. 111. P/S 6/18/71. H. Cal.

ECONOMY-FINANCE

*Adjustment of outstanding currency*—Permits the writeoff of Federal Reserve bank notes, national bank notes, and silver certificates issued after June 30, 1929 when the Secretary of the Treasury determines they have been lost or destroyed, or are held in collections and will never be presented for redemption. S. 670. P/S 2/18/71.

*Assistance for U.S. citizens returned from abroad—Continuation*—Extended for 2 years (to June 30, 1973) the authorization for the provisions of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances. H.R. 8313. Public Law 92– .

*Duty suspension on certain metal scrap*—Continued for 2 years (until July 1, 1973) the existing suspension of duties on certain metal waste scrap provided by item 911.12 of the Tariff Schedules. H.R. 7767. Public Law 92– .

*Export Administration Act*—Provides a

temporary extension of the Export Administration Act to October 31, 1971. S.J. Res. 118, Public Law 92– .

*Export-Import Bank Act Amendments of 1971.*—Excludes the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempts the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; requires, in accordance with the provisions of the Government Corporation Control Act, as amended, that the President transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank; requires the President to report annually to Congress the amount of net lending of the Bank which would be included in the U.S. Government budget if the Bank's activities were not excluded as a result of this legislation; increases from $3.5 billion to $10 billion the amount of outstanding guarantees and insurance the Bank may charge on a fractional reserve basis against its overall limitation; increases the overall limitation on the amount of loans, guarantees, and insurance the Bank may have outstanding at any one time from $13.5 billion to $20 billion; extends the life of the Bank for 3 years (from June 30, 1973, to June 30, 1976); and contains other provisions. S. 581. P/S 4/5/71. H.R. 8181. H. Cal.

*Interest equalization tax—Extension.*—Extended the interest equalization tax for 2 years from March 31, 1971 to March 31, 1973; provide discretionary authority to the President to extend the tax to debt obligations with maturities of less than 1 year; restricted the tax-free rollover privilege of existing mutual funds to investments in the funds prior to March 24, 1971; and made other changes. Public Law 92–9.

*Interest rates and cost-of-living stabilization—Temporary extension.*—Provided a temporary extension until June 1, 1971 of certain provisions of law relating to interest rates and cost-of-living stabilization. Public Law 92–8.

*Lost or stolen securities.*—Authorized the Secretary of the Treasury to replace for their owners lost or stolen bearer securities of the United States prior to their maturity. Public Law 92–19.

*Public debt and interest rate limitations.*—Increased the permanent debt limitation from $380 billion to $400 billion and provided for a temporary increase (until July 1, 1972) from $15 billion to $30 billion; provided that long-term U.S. obligations, in an aggregate amount not exceeding $10 billion, may be issued without regard to the statutory 4¼ percent limitation on the interest rate on long-term bonds; and provided that U.S. obligations issued after March 3, 1971 having a market value below face value cannot be redeemed at face or par value in payment of any U.S. tax. Public Law 92–5.

*Public Works Acceleration Act, Public Works and Economic Development Act, and Appalachian Regional Development Act extensions*—Reactivated and revised the Public Works Acceleration Act and authorized $2 billion for the fiscal years beginning after June 30, 1970 for grants for state and local public works; extended for 2 years until June 30, 1973 the Public Works and Economic Development Act and authorized therefor $550 million for each of fiscal years 1972 and 1973; authorized the continuation of the general program portions of the Appalachian program for an additional 4 years with biennial authorizations of $282 million for fiscal years 1972 and 1973 and $294 million for fiscal years 1974 and 1975; added a 4-year, $40 million Appalachian airport safety improvements program; and made other changes. S. 575. President Nixon vetoed 6/29/71.

*Purchase of U.S. obligations by Federal Reserve Banks*—Extends for a 2-year period, from June 30, 1971 to June 30, 1973 the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. S. 1700. Public Law 92– .

*Renegotiation Amendments of 1971*—Amended the Renegotiation Act of 1951 to extend the Act for 2 years until June 30, 1973, to modify the interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous, and to provide the Court of Claims with exclusive jurisdiction of renegotiation cases; and contained other provisions. H.R. 8311. Public Law 92– .

*Small Business Amendments Act of 1971*—Expands existing Small Business Act (SBA) programs which encourage participation in the financing of small business by private capital; establishes a new program of grants to reduce interest costs to small business; amends the Small Business Investment Act to recognize the development of Minority Enterprise Small Business Investment Companies and to clarify SBA's guarantee authority with respect to debentures issued to Small Business Investment Companies; amends the SBA to establish four new programs to assist businesses which affect or are affected by environmental regulations and pollution; and provides reimbursement, on a limited basis, for certain out of pocket costs presently being met by volunteer groups. S. 1905. P/S21/71.

*Small Business Act amendment*—Amended the Small Business Act to increase by $900 million (from $2.2 billion to $3.1 billion) the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment fund of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

*Social security amendments.*—Increased social security benefits by 10 percent across-the-board retroactive to January 1, 1971; increased by 5 percent special payments to certain persons age 72 and over; and provided for an increase in the taxable wage base from $7,800 to $9,000 effective January 1972 and a 5.15 percent increase in the tax rates in 1976 and thereafter. Public Law 92–5.

*Transfer of trust funds to the Philippines.*—Provides for the transfer to the Philippine Government of money the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934. S. 1330. P/S 3/25/71.

*Wage and price controls and ceilings on deposit interest rates—extension of authority.*—Extended until June 1, 1973, the authority of the Federal bank regulatory agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by commercial banks, mutual savings banks, and savings and loan associations; extended on a permanent basis the President's authority to initiate a program of voluntary credit controls; and extended for 1 year, until May 1, 1972, the President's authority to establish mandatory price and wage controls. Public Law 92–15.

EDUCATION

*Emergency School Aid and Quality Integrated Education Act of 1971.*—Authorizes $1.5 billion between the date of enactment and July 1, 1973 for a project grant program attempting to deal with problems arising out of minority group isolation in public schools. S. 1557. P/S 4/26/71.

GENERAL GOVERNMENT

*American Revolution Bicentennial Commission*—Authorizes $670,000 for the American Revolution Bicentennial Commission for fiscal year 1971. S. 1538. Public Law 92– .

*Assistant Secretary of the Interior*—Established within the Department of Interior the position of an additional Secretary of the Interior. Public Law 92–22.

*Civil Service retirement*—Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date. S. 1681. P/S 5/14/71. P/H amended 5/17/71.

*Commission on Government Procurement.*—Provides the Commission on Government Procurement with additional time to complete its assigned mission by extending its final reporting date until December 31, 1972. H.R. 4848. P/S 6/24/71.

*Comprehensive Drug Abuse Prevention and Control Act of 1970 Amendment.*—Amended the Act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92–13.

*Foreign Claims Settlement Commission.*—Changes the term of office of Commission members from 3 years to a term at the pleasure of the President and reduces the present full-time membership of 3 members to 1 full-time member and 2 part-time members. S. 1206. P/S 6/23/71.

*Lowering the voting age to 18.*—Proposed an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older. S.J. Res. 7. P/S 3/10/71. P/H 3/23/71. Received by GSA 3/23/71.

*National Science Foundation authorization.*—Authorizes for the National Science Foundation $703,516,215 for fiscal year 1972 and $900 million for fiscal year 1973 and, in foreign currencies, $3 million for fiscal year 1972 and $7 million for fiscal year 1973. H.R. 7960. P/H 6/7/71. P/S amended 6/29/71.

*Railroad retirement annuities.*—Amends the Railroad Retirement Act of 1937 to provide a temporary 10 percent increase in railroad retirement benefits retroactive to January 1, 1971, to terminate, along with the present 15 percent increase, on June 30, 1973, and to extend for 6 months, until December 31, 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President. H.R. 6444. Public Law 92– .

*Reorganization Plan No. 1 of 1971.*—Established in the executive branch a new agency, ACTION, to be responsible for administering the following volunteer programs: Volunteers in Service to America, Auxiliary and Special Volunteer Program now in the Office of Economic Opportunity, the National Student Volunteer Program, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. Additional contemplated transfers to ACTION after its establishment are the Peace Corps program, the functions carried out by the Office of Voluntary Action, and the Teacher Corps. S. Res. 108 (disapproval resolution). Senate rejected 6/3/71. H. Res. 411 (disapproval resolution). House rejected 5/25/71. Plan became effective 6/4/71.

*Texas land addition*—Gave the consent of Congress to consider the land, acquired by the United States as a result of the Convention between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land. H.R. 1729. Public Law 92– .

*Trust Territory of the Pacific Islands*—Authorized an ex gratia contribution of $5 million to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951; established a Micronesian Claims Commission to determine the validity of such claims; and authorized $20 million for claims payments. H.J. Res. 617. Public Law 92– .

*Virgin Islands—Amendment of Revised Organic Act*—Amended the Organic Act of the Virgin Islands to give the Attorney General discretionary authority to appoint more than one assistant U.S. attorney for the Virgin Islands. Public Law 92–24.

HEALTH

*Health professions student loans and scholarships—Extension*—Amended the Public Health Service Act to extend for 1 year, until June 30, 1972, the loan and scholarship provisions for students of the health professions H.R. 7736, Public Law 92–

*Public Health Service hospitals and outpatient clinics*—Required that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries to meet the needs for health services of the Nation at large, and particularly of medically underserved areas. S. Con. Res. 6. Senate adopted 6/29/71.

INDIANS

*Blackfeet and Gros Ventre tribes, Montana*—Authorizes division and disposition of judgment funds awarded to the Blackfeet Tribe of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. P/S 3/11/71.

*Iowa Tribe of Oklahoma and of Kansas and Nebraska*—Authorizes division and disposition of judgment funds awarded to the Iowa Tribes of Oklahoma, Kansas and Nebraska. Public Law 92–29.

*Pembina band of Chippewa Indians*—Authorizes distribution of judgment funds awarded to the Pembina Band of Chippewa Indians. H.R. 6072. P/H 5/3/71. P/S 6/8/71 amended.

*Sisseton and Wahpeton Tribes of Sioux Indians*—Authorizes distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of judgment funds awarded to the Mississippi Sioux Indians S. 1462. P/S 6/8/71.

*Shoshone-Bannock Tribe of Idaho; Shoshone Tribe of Wyoming; Bannock Tribe and the Shoshone Nation or Tribe*—Authorizes disposition and distribution of judgment funds awarded to the Shoshone-Bannock Tribes of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; and the Bannock Tribe and the Shoshone Nation and Tribe of Indians. S. 101. P/S 6/8/71.

*Snohomish Tribe, Upper Skagit Tribe, and Snoqualmie and Skykomish Tribes*—Authorized distribution of judgment funds awarded to the Snohomish Tribe, the Upper Skagit Tribe, and the Snoqualmie and Skykomish Tribes. Public Law 92–30.

INTERNATIONAL

*Passport fees*—Authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport. Public Law 92–14.

*Treaties*

*Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America*—Designed for signature of states possessing nuclear weapons, the protocol commits the United States, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute in any way to the violation of the treaty, and not to use or threaten to use nuclear weapons against the Latin American States for which the treaty is in force. Ex.H. (91–2). Resolution of ratification agreed to 4/19/71.

*Bryan-Chamorro Treaty of 1914—Termination*—Ex.L. (91–2). Resolution of ratification agreed to 2/17/71.

*Extradition Treaty With Spain*—Covers 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. Ex.N. (91–2). Resolution of ratification agreed to 2/17/71.

*Treaty With Mexico Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties*—Ex.K. (91–2). Resolution of ratification agreed to 2/11/71.

LABOR

*Blind and other severely handicapped—Sale of products and services*—Amended the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment; authorized $200,000 for each of fiscal years 1972, 1973, and 1974. Public Law 92–28.

*Emergency Employment Act of 1971*—Provided for programs of public service employment for unemployed persons and authorized therefor $750 million for fiscal year 1972 and $1 billion for fiscal year 1973, which funds shall cease to be obligated when the national rate of unemployment recedes below 4.5 percent; established a Special Employment Assistance Program to be used for public service jobs in local areas where the unemployment rate is 6 percent or more and authorized therefor $250 million for each of fiscal years 1972 and 1973; and contained other provisions. S. 31. Conference report filed in House June 29, 1971.

*Railway labor-management dispute*—Designed to end a nationwide railroad strike by extending until October 1, 1971 the period for negotiations with respect to an existing railway labor-management dispute and by providing retroactive wage increases for employees concerned in the dispute. Public Law 92–17.

MEMORIALS AND TRIBUTES

*Harry S Truman*—Salutes President Harry S Truman for his extraordinary record of national service, and extends to him the best wishes of the Senate for a happy eighty-seventh birthday. S. Res. 118. Senate adopted May 6, 1971. H. Res. 422. House adopted May 5, 1971.

PROCLAMATIONS

*Human Development Month and Voluntary Overseas Aid Week*—Authorized the President to designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971 as "Human Development Month" in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development. S. Con. Res. 22. Senate adopted April 29, 1971. House adopted May 5, 1971.

*Medical Library Association Day*—Authorized the President to issue a proclamation designating June 1, 1971 as Medical Library Association Day. Public Law 92–23.

*National Moon Walk Day*—Requests the President to designate July 20, 1971, as "National Moon Walk Day." S.J. Res. 101. P/S 6/21/71.

*National Peace Corps Week*—Authorized the President to issue a proclamation designating the week beginning on May 30, 1971 and ending June 5, 1971 as "National Peace Corps Week" and to invite the Nation's Governors and mayors to issue similar proclamations. Public Law 92–20.

*National Star Route Mail Carriers Week*—Authorized the President to designate the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calls upon the Postal Service to observe such week with appropriate recognition to those carriers. Public Law 92–26.

*National Week of Concern for Prisoners of War Missing in Action*—Authorized the President to designate the week beginning March 21, 1971 as "National Week of Concern for Prisoners of War Missing in Action." Public Law 92–6.

*Volunteers of America Week*—Authorized the President to proclaim the second week of March 1971 as "Volunteers of America Week." Public Law 92–3.

*Youth Appreciation Week*—Provided for the observance of "Youth Appreciation Week" beginning the second Monday in November, 1971. H.J. Res. 556. Public Law 92–

RESOURCE BUILDUP

*Arches National Park, Utah*—Provides for the establishment in Utah of the Arches National Park to consist of some 73,154 acres. S. 30. P/S 6/21/71.

*Buffalo National River*—Establishes the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7. P/S 5/21/71.

*Canyonlands National Park, Utah*—Provides for the extension of the boundaries of the Canyonlands National Park in Utah to include certain superlative areas omitted when the park was established in 1964, by the addition of four additional tracts totaling approximately 79,618 acres. S. 26. P/S 6/21/71.

*Capitol Reef National Park, Utah*—Provides for the establishment of the Capitol Reef National Park in Utah, for a total park area of 241,671 acres. S. 29. P/S 6/21/71.

*Glen Canyon National Recreation Area, Utah and Arizona.*—Provides for the establishment of the Glen Canyon National Recreation Area in Arizona and Utah to comprise approximately 1,285,310 acres of land and water. S. 27. P/S 6/21/71.

*Horses and Burros.*—Provides protection to wild free-roaming horses and burros on public lands; places the animals under the jurisdiction of the Secretary of the Interior for the purposes of management of the animals as components of the public lands; and contains other provisions. S. 1116. P/S 6/29/71.

*Lincoln Back Country, Lewis and Clark and Lolo National Forests, Montana.*—Directs the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests in Montana. S. 484. P/S 4/5/71.

*Middle Snake River—Prohibition of Licensing of hydroelectric projects.*—Suspends until September 30, 1978, the authority of the Federal Power Commission to accept applications or grant licenses or permits for construction of hydroelectric projects on the Middle Snake River below Hells Canyon Dam along the Idaho-Oregon and Idaho-Washington borders. This will provide time for studies of the highest and best future development of the Middle Snake River. S. 488. P/S 6/28/71.

*Minam River Canyon, Oregon, wilderness area.*—Provides for adding approximately 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, which was established by the Wilderness Act of 1964. S. 493. P/S 6/4/71.

*Saline water conversion program.*—Extends the Federal saline water conversion program for 5 fiscal years after fiscal year 1972 and authorizes $27,025,000 for fiscal year 1972; redirects the program to reflect the experi-

ence of the past 10 years; and contains other provisions. S. 991. P/S 6/28/71.

*Upper Snake River reclamation project.*—Authorizes construction, operation and maintenance of the potential Salmon Falls division of the Upper Snake River reclamation project in south-central Idaho, which would provide irrigation water and minor fish and wildlife conservation benefits. S. 432. P/S 6/28/71.

*Washakie Wilderness and the Shoshone National Forest, Wyoming.*—Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/31/71.

*Water pollution control.*—Extends for 3 months (through September 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. S. 2133. P/S 6/23/71.

*Water Resources Planning Act Amendments.*—Placed an authorization ceiling of $1.5 million annually on administrative expenses of the Water Resources Council and retained the existing authorization ceiling of $6 million annually on funding for river basin commissions. Public Law 92–27.

*Whales—Moratorium on killing.*—Requests the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. S.J. Res. 115. P/S 6/29/71.

SPACE

*National Aeronautics and Space Administration authorization.*—Authorizes $3,280,850,000 for NASA for fiscal year 1972 as follows: $2,543,200,000 for research and development; $56,300,000 for construction of facilities; and $681,350,000 for research and program management. H.R. 7109. P/H 6/3/71. P/S amended 6/29/71.

TRANSPORTATION AND COMMUNICATIONS

*Amateur radio operators.*—Amends the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. S. 485. P/S 5/26/71.

*High Speed Ground Transportation Act extension.*—Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S 6/15/71.

*Maritime authorization, 1972*—Authorizes $229,687,000 for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, and reconditioning of ships; $239,145,000 for payment of obligations incurred for operating-differential subsidy; $25 million for research and development activities; $4,318,000 for reserve fleet expenses; $7.3 million for maritime training at the Merchant Marine Academy at Kings Point, N.Y.; and $2,370,000 for State marine schools. H.R. 4724. Public Law 92– .

*Rail passenger system review*—Directs the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system; authorizes therefor $100,000; and requires a report thereon to Congress by June 15, 1971. S.J. Res. 92. P/S 5/11/71.

*Sonic booms—regulation*—Prohibits, with certain exceptions, operation of civil aircraft at a speed greater than sound (mach 1) over the United States except by authorization of the Federal Aviation Administration; provides that supersonic transport (SST) prototypes comply with existing noise standards applicable to new subsonic jets; and requires the Secretary of Transportation to submit to Congress and the public a report covering all aspects of the prototype program when it is completed. S. 1117. P/S 3/19/71.

*Supplemental maritime authorization*—Authorized an additional $80 million (from $193 million to $273 million) in supplemental appropriations for fiscal year 1971 for payment of obligations incurred for operating-differential subsidy by the Martime Administration of the Commerce Department. Public Law 92–21.

*Uniform Time Act of 1966 Amendment*—Permits a State split by time zones to exempt that area of the State lying within a given time zone from the provisions of the Uniform Time Act of 1966 providing for the advancement of time (daylight saving time) between 2:00 a.m. on the last Sunday in April and 2:00 a.m. on the last Sunday in October. S. 904. P/S 5/18/71.

## HEALTH CARE INSURANCE ACT OF 1971

Mr. PACKWOOD. Mr. President, as a member of the Senate Health Subcommittee I have been privileged to participate in a number of hearings this year on a variety of problems in the health field. Foremost among these problems seems to be the cost of health care and the consequent inability of millions of Americans to afford proper health care.

Of almost equal importance, and closely related, is the need to provide additional medical personnel, including physicians, dentists, nurses, and numerous other health professionals and allied health personnel. This in turn would include the expanded use of trained allied health personnel now being released by the armed services.

Implied in the manpower shortage is a real need to provide new means of strengthening our delivery systems and improving patterns of practice to allow physicians to achieve greater productivity. Along with new and strengthened delivery systems, we must continue to develop new health care facilities and modernize existing institutions, but not lose sight of the fact that community facilities, outpatients facilities, and home health carry with them great advantages from both the medical, financial, and psychological perspectives. We do not need to just blindly build more hospitals and more hospital beds without first determining that this is the most effective use of our health dollars.

Another important area the Health Subcommittee has been examining is the need for vital biomedical research to understand and hopefully eliminate a host of diseases which have afflicted man from the beginning of time. Most recently we have been working to upgrade and expand our cancer research effort, but our horizons are wide and far-reaching and every day sees new advances across the whole spectrum of biomedical research. What we need is an intensified effort to conquer the diseases which have for so long prevented man from realizing his full potential, or in too many cases, have brought tragic ends to promising careers.

The tragedy of long and expensive illness brings me to another problem area we have been examining in the Health Subcommittee, catastrophic health insurance—or lack thereof, I should say. Even before hearings on this aspect of health financing begin, I believe Congress is dedicated to the proposition that all Americans should be protected against catastrophic long-term illness.

Throughout all these problem areas, we have dual objective, to assure the high quality of medical care, and to control costs.

FEDERAL ROLE

In analyzing the health care situation, and in reviewing the work of the Health Subcommittee in recent years, it is apparent that the effort to solve these problems has become a joint endeavor, involving all elements of the private health care system, foundations, and many levels of government, local, State, and Federal. Although the proper role of the Federal Government in the health care system has never been fully defined, it is clearly expanding—Federal expenditures for health have increased tenfold in the last decade alone. This rapid growth in Federal involvement in health care has come about primarily as a result of medicare and medicaid. Both of these programs are aimed at the first health problem I mentioned—the expense of good medical care and the inability of many Americans to finance the care they need. In attempting to define the most appropriate Federal role in the health care system, perhaps we should focus on this aspect—to provide help to those for whom there is a financial barrier to good health care. Thus it follows that some form of national health insurance would indeed be a proper Federal role.

Having concluded that a system of health insurance is a legitimate area of Federal involvement, and a desirable one, we must proceed to examine the nature of that involvement, and the guiding principles which will serve as a basis upon which actual legislation can be drafted.

The first principle which should guide Congress in drafting legislation to remove financial barriers to health care is a clear delineation of the Federal role, confined to the provision of help to those who need it, with graduated assistance tied to income levels. The free-for-all concept which purports to have the Federal Government give health care away to all for free is a cruel joke on the American public and I think will be recognized as such. Health care is never free. The question is merely who pays for the care and how. The "who" will always be the American people. It remains to decide the levels of their contributions—via medical payments and/or taxes—and the "hows" of health care delivery. We here in Congress must not allow ourselves to lose sight of these very basic facts of life.

Another principle which I believe is basic in defining the Federal role is that we must build on the best of the present system, improving it to meet the needs of those Americans who now cannot afford proper medical care. To me improving the present system means, for example, using the health insurance industry rather than destroying it. Indeed, the Social Security Administration, in its annual report on health insurance—Private Health Insurance in 1969: A Review—said:

Over the years, consumers have been able to buy health insurance on increasingly ad-

vantageous terms in the sense that they get back increasingly more of their premium or subscription dollar in benefits. Evidence of this trend is the steady decline in the retention ratio—retentions as a percent of premium income. In 1948 the retention rate for all private health insurance organizations was 30 percent; in 1969 it was 11 percent.

It must be borne in mind that insurance companies by and large pay a premium tax of 2 or 3 percent in addition to other local or State taxes from this 11 percent which is retained. This is by far a more advantageous situation in my view than turning this health matter over to the Federal Government for direct financing and administration.

Health insurance subsidies by the Federal Government should require that the health insurance benefits be comprehensive and that they include outpatient care. There must also be emphasis on preventive medicine, because we all know that lives, dollars, and untold pain and suffering can be saved through early diagnosis and treatment of disease. Even more fundamentally, maintenance of good health helps keep disease away altogether.

Most Americans would agree, I think, that a definition of the proper role for the Federal Government includes protecting American families against the risk of losing their savings and even their homes because of a catastrophic illness. We are talking here about protection for the working man against the cost of a crippling disease or accident which might strike him, his wife, or his children. This threat hangs over all of us and is a legitimate area of concern and Federal involvement. We separate this sort of catastrophe from the very real problem of the long-term custodial care of the aged, but they are equally serious in terms of financing the needed care.

DIVERSITY DESIRABLE

One of the strengths of our current system is its diversity. Americans now receive medical care in a variety of settings using a variety of financing mechanisms. Diversity should be encouraged, not eliminated. A monolithic approach is, in my opinion, highly undesirable, and should be avoided. Free choice in medical care delivery and financing systems should be protected at every stage of our deliberations.

Let us also encourage diversity because we are a diversified nation. What works in the suburbs will not work in rural areas; what works in rural areas will not work in the crowded ghettos. What works for the poor may not work for the rich; what works for the rich may not work for the working man and his family. What works in Oregon may not be desired in Georgia. In short, diversity is a strength. Competition is desirable between different delivery systems so that the patient and the doctor can both find the system that suits them best.

One feature of any health insurance program which is bound to arouse conflicting views is the question of co-insurance and deductibles. These mechanisms serve to hold down overall costs of insurance premiums, but may also have the effect of penalizing those in the lower income groups who are unable to pay the co-insurance or deductible, and so, in effect are unable to obtain the routine medical care they need.

On the other hand, eliminating the co-insurance and deductible requirements may lead to abuse and overutilization of the health care delivery system, a situation we definitely cannot afford. Obviously then, we want to include the advantages of holding down costs and preventing abuse and overutilization, without imposing penalties on those who cannot afford co-insurance or deductible payments. The solution would seem to be to include co-insurance and deductibles, but on a sliding scale which reflects ability to pay.

Another important ingredient in preventing overutilization is peer review. In any health insurance legislation we consider, we must guarantee the effective review of costs, utilization, and quality of the medical care our people are receiving.

Mr. President, with these principles in mind, I have examined the various health insurance programs and proposals which have been submitted in both Houses of Congress. After a thorough review and a great deal of thought, I have concluded that the Health Care Insurance Act of 1971—Medicredit, S. 987—sponsored by my distinguished colleague from Wyoming (Mr. HANSEN), most nearly translates these important principles into legislative action, and I am therefore proud to add my name as a cosponsor.

## STATUS OF TRANSCRIPT OF CLOSED SESSION ON LAOS

Mr. SYMINGTON. Mr. President, in order to bring the Senate up to date on the status of the transcript of the closed Senate session on Laos held earlier this month, I would now briefly review the actions taken so far; and in so doing would assure all Members and the American people that we are making every effort to have as much of the information presented at that session declassified as possible and published at the earliest opportunity.

The transcript, marked "top secret," of the closed session of the Senate, held on the afternoon of Monday, June 7, was delivered to the office of the Committee on Foreign Relations on the same day. The office of every Senator whose remarks appeared in the transcript was called and told that the transcript would be available in the committee office for review by Senators until the close of business Monday, June 14. This deadline was subsequently extended to 3 p.m., Wednesday, June 16.

The transcript was then delivered to an authorized representative of the Government Printing Office so that classified galley proofs could be printed. The galley proofs, also marked "top secret," were delivered to the committee office on Friday, June 18.

Meanwhile, Senator SPARKMAN, as acting chairman of the committee, wrote the Secretary of State on June 15 asking him to "designate a responsible official to review on behalf of the executive branch the transcript of the proceedings of the closed session in the office of the Committee on Foreign Relations, together with members of the committee staff, in order to recommend what material should be deleted."

On June 18, Assistant Secretary of State Abshire replied to Senator SPARKMAN's letter saying that Mr. Joseph Wolf had been designated by the Secretary to conduct this review.

On the morning of Monday, June 21, Messrs. James Lowenstein and Richard Moose of the Foreign Relations Committee staff met with Mr. Wolf, who was accompanied by representatives from the Department of Defense and the Central Intelligence Agency, and began reviewing the classified galley proofs.

By Friday, June 25, the specific points on which there is disagreement between us and the executive branch with regard to the need for continued security classification had been defined. Mr. Wolf has informed us that a memorandum to the Secretary of State, asking for instructions on the points in question, has been prepared and is in the process of being cleared within the executive branch.

## CEILING ON FARM PAYMENTS

Mr. TOWER. Mr. President, I am seriously concerned over action by the House of Representatives to attach an amendment to the Agriculture Appropriations bill placing a $20,000 annual ceiling on farm payments.

The 1970 Agriculture Act carried a $55,000 annual limitation and it constituted a commitment to the farmer that such a ceiling could be depended upon for 3 full years. If the House amendment is written into law, it would constitute the breaking of that commitment and I will not be a part of such action.

Prior to the 1970 farm bill, it was argued that the Government was paying the farmer not to grow crops and that large payments to already wealthy persons owning extensive acreages simply to insure that no crop was grown was just simply a drain on the Government Treasury which enabled rich men to get richer. That argument may have had some credence then, but it has none now. The 1970 Agriculture Act established a program in which the government will support the market price for a certain acreage of a farmer's production, and then allow him to grow crops on additional acreages without that price support benefit. On the additional acreages, the farmer would simply risk the free market price.

Farmers are now carrying on this year's operations and planning next year's operations based on the Agriculture Act of 1970. If Congress should suddenly lower the farm payment ceiling, the Nation's farmers will realize they have based their plans upon a foundation of sand instead of the firm foundation they had been told the act represented.

The farmer has enough problems already without the Congress breaking a commitment which so directly affects his operations.

The per bushel price of corn has fallen from $1.68 in the 1947–49 period to $1.12

today. A bushel of wheat, which brought in excess of $2 in the 1947–49 period, now brings only $1.25 to $1.55. The farmer is being asked to accept a lower price for his produce while he is expected to pay increasing overhead costs. He is forced to pay higher prices for machinery which is produced by manufacturing workers who have enjoyed a 131 percent increase in hourly earnings since 1950. Also since 1950, corporate dividends have increased 235 percent, while the farmer's average return on his investment is now 3 percent less than it was in the 1947–49 period. During the past 20 years this Nation's population has grown by 36 percent, but its farm population has decreased by 50 percent—a measure of the number of farmers who have succumbed to the economics which they face. The total number of farms in this Nation have declined from 5.7 million to 2.9 million over the past 20 years.

These statistics are not new. They should not be shocking to anyone. But they illustrate the problems faced today by the farmer.

The 1970 Agriculture Act took these grim statistics into account. It attempted to deal with the realities of the problems which face the farmer today. We may find after a few years that the act has not been the answer. But I think the Congress should give it at least a reasonable period in which to operate before we begin to tamper with the machinery in bits and pieces such as lowering the ceiling on farm payments.

## FORMER SENATOR THOMAS J. DODD

Mr. PASTORE. Mr. President, the untimely passing of former U.S. Senator Thomas J. Dodd ended a long life of dedication to public service, although this modest man limited his own biography to two lines in the Congressional Directory.

FBI agent, assistant U.S. attorney, and principal prosecutor at the Nuremberg trials, his career in the House of Representatives and the Senate covered 16 years.

A onetime Connecticut Director of the Youth Administration, he brought to Congress a devotion to the interests of youth and his work on the Senate Committee on Juvenile Delinquency and Crime will stand as a a monument to his head and heart.

Tom Dodd was a humble man with human faults; and friendship survived the tests of time—for no man was held in higher esteem as the faithful husband and loving father. He will be sorely missed by his beloved wife, Grace, his splendid children, and all his friends.

Almost the last act of the Senate on December 31, 1970, was to vote that there be printed as a Senate document the tributes of his colleagues to Tom Dodd on the occasion of his retirement.

May these sincere sentiments, expressed in his lifetime, be a treasured legacy to his loved ones to whom we of the Senate offer our heartfelt sympathy.

## RESOLUTION MEMORIALIZING CONGRESS TO EXERCISE CAUTION IN TRADING WITH COMMUNIST CHINA

Mr. THURMOND. Mr. President, the General Assembly of South Carolina has passed a concurrent resolution memorializing the President and Congress to exercise extreme caution in opening trade relations with Communist China and to immediately make provisions for establishing potent safeguards to prevent further erosion of domestic textile markets by still another low-wage nation.

The purpose of this resolution is to inform Congress that this may open up another avenue of low-wage textile imports which will further endanger the jobs of large numbers of textile workers. The United States has much experience to prove that any hope of Communist China changing its aggressive policies are in vain. Increasing trade with Communist China is a unilateral action, with Red China accruing most of the advantages. To aid Red China's economy while endangering the livelihood of textile workers is to ignore history and invite catastrophe.

Mr. President, on behalf of myself and my colleague from South Carolina (Mr. HOLLINGS), I ask unanimous consent that the resolution introduced by Messrs. Lake, Bonner, and Long of the State Legislature of South Carolina be printed in the RECORD.

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

A concurrent resolution memorializing the President and the Congress to exercise extreme caution in opening trade relations with Communist China and to immediately make provisions for establishing potent safeguards to prevent further erosion of domestic textile markets to still another low-wage nation

Whereas, the President of the United States has lifted restrictions on trade with Communist China in forty seven categories, including textile products and machinery; and

Whereas, it is believed that Communist China has a large textile industry, and the President's action simply opens another source of low-wage textile imports that further imperil the wages and jobs of thousands of Americans; and

Whereas, there seem to be no reliable indications at this time that substantial exports can be sent to Red China so far as textiles are concerned; and

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, the revenues of the State Government, county governments and municipal governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto shorttime, manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, our government has imposed upon the American industry numerous regulations and cost factors that are not required of our foreign competitors; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, the opening of trade with Red China adds still another competitive burden on the American textile industry and its employees. Now, therefore, be it

*Resolved* by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to immediately take steps necessary to safeguard the American textile industry against further serious inroads into its markets by placing appropriate restrictions on all such items that might be imported into this country. Be it further

*Resolved*, That copies of this Resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, to the Secretary of Commerce and the Secretary of State of the United States.

## THE SELECTIVE SERVICE ACT

Mr. CRANSTON. Mr. President, the Selective Service Act is due to expire at midnight tonight. Though the President unfortunately will retain his unconditional power to draft men previously deferred, tomorrow will be the first day in 23 years that the country will be free of an unfair and undemocratic law that makes military service compulsory.

But our freedom may be short-lived.

The draft has been part of American life for nearly 30 of the past 31 years. Many people were beginning to accept it as a normal part of American life.

But the draft is not a normal part of American life. Normal American life is dedicated to peace and to the pursuit of a better life for all. The draft is an outgrowth of war that has been allowed to become cancerous, spreading through what should have been peaceful, productive years and corrupting them into years of death and destruction, wasted resources and ruined lives.

We never would have gotten into the Vietnam war had it not been for the draft and the limitless pool of young manpower it made available to the Executive for him to do with as he wished, without consulting the Congress or the American people. Continuance of the draft has slowed our extrication from

Vietnam and has taken a continued toll of American and Vietnamese lives.

But though the draft law will end tonight, we have not seen the end of the draft. A bill that would continue it for 2 more years is now in conference committee and is expected to be acted upon by the House and Senate sometime after Congress returns from the July 4 recess.

What happens then depends on what the American people do in the meantime.

I call upon the American people to commemorate American Independence Day 1971 by making their views on the draft known to their elected representatives.

Over the next week or 10 days, the American people can decide the fate of the draft and with it, the fate of our Nation for the next 2 critical years. The decision should be made wtih the concerned participation of all Americans.

## WHAT THE TIMES WAS SAYING AT THE TIME

Mr. ALLOTT. Mr. President, it is time to take a look at the not-at-all private files of back issues of the New York Times.

The New York Times these days is full of righteous indignation. It is arguing that the Kennedy-Johnson and Johnson-Humphrey administrations misled the American people by talking restraint while planning and implementing bellicose policies in South Vietnam.

Mr. President, if those administrations did mislead the American people, while they were doing this they were acting on the assumptions shared by, and implementing the policies advocated by, the New York Times.

Mr. President, a survey of the New York Times from those years indicates very clearly that the New York Times was a determinedly hawkish newspaper.

Consider a few examples.

Consider, for example, the editorial voice of the New York Times on November 3, 1963. The Times that day was busy finding the silver lining in the events that had culminated in the murder of President Diem. According to the New York Times, the good news was that the Vietnamese leaders who had staged the coup would be more vigorously anti-Communist than President Diem had been.

Consider:

> Fortunately, the new Vietnamese rulers are dedicated anti-Communists who reject any idea of neutralism and pledge themselves to stand with the free world. It is significant that one of their charges against Mr. Nhu is that he tried to make a deal with Communist North Vietnam along the lines hinted at by President de Gaulle. To the extent that the new Government in Saigon can arouse greater loyalty and support from the Vietnamese people than its predecessor could, the anti-Communist military campaign will take on increased vitality. If the new regime succeeds in identifying itself with the aspirations of the people, it will have taken a long step toward repulsing further Communist inroads through Southeast Asia.

Mr. President, so that all Senators can consider this editorial—nicely entitled "Opportunity in Vietnam"—I ask unanimous consent that it be printed in full as the first exhibit at the conclusion of my remarks.

By the middle of 1964 the New York Times was dividing its energies between working up hysteria about Senator BARRY GOLDWATER and working up a stiff upper lip for the war in Vietnam. On June 21, 1964, in an editorial entitled "War Against China?" the New York Times expressed its earnest wish that a negotiated settlement could be reached. But the New York Times was not hopeful:

> The chief obstacle to such a settlement at the moment is undoubtedly the belief of Peking and Hanoi that they can win control of the entire area by continuing their present tactics. The use of additional American military and economic resources to disabuse Mao Tse-tung and Ho Chi Minh of such illusions is entirely justified.

Mr. President, so that all Senators can examine the New York Times' disquisition on the "entirely justified" use of American force, I ask unanimous consent that the editorial of June 21, 1964, be printed as the second exhibit at the conclusion of my remarks.

Mr. President, Mr. Neil Sheehan is a New York Times reporter. He is also the principle author of the series of articles based on the stolen documents. Mr. Sheehan is very full of indignation about U.S. policy toward South Vietnam in the early and middle years of the 1960's.

Thus it is interesting to examine what Mr. Sheehan was writing about our policy back in those years. The Sunday New York Times of August 16, 1964, carried a long and very strongly opinionated essay by Mr. Sheehan. It was headlined "Much Is at Stake in Southeast Asian Struggle."

In this essay Mr. Sheehan wrote as follows:

> The United States joined battle with the Vietcong guerrillas in the rice paddies of South Vietnam two and a half years ago for two simple but impelling reasons:
>
> (1) The United States is the only Western power capable of meeting the Chinese Communist challenge for hegemony in Asia.
>
> (2) The United States wants to demonstrate to the rest of the world that this country has both the desire and the ability to defeat the Communist strategy for expansion—a formula composed of guerrilla military tactics and political and psychological action that Peking refers to as the "war of national liberations."

There followed more than 20 paragraphs of somber predictions about the disasters that would sweep from New Zealand to Pakistan if the United States withdrew from the battle in South Vietnam. The spirit of Mr. Sheehan's geopolitical discourse was captured in the caption for a map which accompanied the essay.

This was a map of Southeast Asia, with various critical spots marked with numbers running from 1 to 12. The caption under this map read as follows:

> Communist China (1) is seeking hegemony in Southeast Asia. The key to its campaign is South Vietnam (2) where a heavy U.S. commitment is aimed at thwarting a victory by Communist guerrillas. If South Vietnam should fall, the following effects could be expected: China would be emboldened to foster other "wars of liberation" in the region. Russia (3) would be dealt a blow in the ideological war with Peking, encouraging other Communist parties to pursue China's militant course. The shaky coalition in Laos (4) would collapse. Burma (5), Thailand (6) and Cambodia (7) would come under China's domination. Malaysia (8) might break apart under pressure of racial unrest and an expansionist-minded Indonesia (9), already Peking-oriented to further its ambitions, India (10) and Pakistan (11) would come under increasing pressure. And Japan (12) might move toward an accommodation with Peking to preserve its trade.

Mr. Sheehan concluded his essay with these two paragraphs:

> Communist leaders in Southeast Asia, Africa and South America are watching the test case of South Vietnam to see if China's contention will be proven by victory.
>
> If the United States wishes to influence world Communism along less militant lines, it could strengthen the Soviet Union's position in the Chinese-Soviet dispute by demonstrating that China's new strategy for Communist conquest will be as unsuccessful as the previous Communist attempts in Western Europe and Korea.

Mr. President, so that all Senators can examine Mr. Sheehan's opinions, I ask unanimous consent that his article of August 16, 1964, be printed in the RECORD as the third exhibit at the conclusion of my remarks.

Mr. President, Mr. James Reston is a member of the editorial board of the New York Times. He is the Savanarola of the current dispute with the Government. Hell hath no fury like the anger of Mr. Reston when he thinks the Government has behaved improperly. These days Mr. Reston is not at all bashful about telling the world that he thinks the Government behaved very improperly in getting us involved in South Vietnam.

In this regard it is instructive to notice what Mr. Reston was urging upon the Government a few years back. Consider, for example, his spirited column of April 25, 1965.

After some of the talk which was then praised as tough minded—talk about the need to develop a strategy for defeating indirect aggression—Mr. Reston wrote this:

> Vietnam, therefore, is not only a present agony but a warning of future trouble in other areas. One does not have to believe in the domino theory—that if Vietnam falls many other states will follow—in order to recognize the dangers inherent in the triumph of what the Communists call—as in Vietnam—wars of national liberation.
>
> The Communist objectives have not changed. They are determined to extend their influence and control as far as they can. What the Soviets attempted by political pressure on Western Europe, by threats of war over Berlin, by nuclear blackmail in Cuba and by their adventure in Korea, the Chinese Communists are now trying to achieve by subversion and guerrilla warfare in Vietnam.

Mr. Reston concluded his column with these words:

> It is not morally free, for example, to carry the air war into the populous areas of North Vietnam where the really important strategic targets are located. Nor is it morally free to abandon the people who have committed themselves to the battle in South Vietnam and who will be at the mercy of the Vietcong if we pull out.
>
> Even more important it is not free to submit to the triumph of the Communist guerrilla techniques without making them pay dearly in the process, for if they succeed

in Vietnam, nobody dare assume in Washington that the same techniques will not be applied in all the Communist rimlands from Korea to Iran.—NYT April 25, 1965.

Mr. President, so that all Senators can consider Mr. Reston's opinion, I ask unanimous consent that his column of April 25, 1965, be printed in the RECORD as the fourth exhibit at the conclusion of my remarks.

Finally, Mr. President, it is appropriate to allow the distinguished junior Senator from Arizona (Mr. GOLDWATER) to have the last word in this survey of the New York Times behavior.

The New York Times "op ed" page far exceeded its usual commonsense quotient last Friday because it contained a column by Senator GOLDWATER.

Senator GOLDWATER wrote this:

Logic alone should have told the people who put down all those erudite words on the page opposite to this one that L.B.J. or whoever was elected to the office of President had to follow one of two courses of action: either to escalate the war and attempt to win it or withdraw completely from the Indochina theater of war.

Mr. President, as a survey of the New York Times editorial judgments reveals, the New York Times was not urging the United States to withdraw from Southeast Asia.

Mr. President, so that all Senators can profit from the clear thinking of the junior Senator from Arizona, I ask unanimous consent that his column be printed in the RECORD as the fifth and final exhibit at the conclusion of my remarks.

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

EXHIBIT 1

OPPORTUNITY IN VIETNAM

The overthrow of the Ngo regime by its non-Communist opponents in South Vietnam presents the opportunity—and it may be the last opportunity—to establish there a forward-looking, democratically oriented government with a broad base of popular support, a government that could in fact carry the anti-Communist war to an ultimately successful conclusion.

The coup in Saigon was inevitable, and, given the stubborn refusal of President Diem to institute political reforms that had long been urged upon him, it was by this time highly desirable. Diem served his country well in the beginning by putting it on its feet. His tragedy was in permitting real power to slip into the hands of his tough-minded brother Nhu and his acid-tongued sister-in-law, who embarked on despotic policies that found their elimination in the anti-Buddhist raids. They aroused widespread opposition at home, alienated the American ally and inflamed world opinion to a point that began to hamper the anti-Communist war.

The American protests against these policies, the demands for a change and the curtailment of aid helped to prepare the psychological atmosphere for the coup. It was carried through by Vietnamese generals who began feeling the effect of the Nhu policies in the field and who put the fate of their country above the fortunes of the Ngo family. They had to fight a sanguinary battle to win, and pro-Diem elements are still active in the countryside. But the dancing, cheering crowds that thronged the streets to hail their victory gave dramatic evidence of the hatred the Diem regime had engendered and the popular relief that it was gone.

The victorious generals now rule the country under martial law. But a military government is no real solution. It is, therefore, gratifying that the generals have immediately established a temporary civilian Government headed by Nguyen Ngoc Tho, a Buddhist and former Vice President, and promise to return all power to a new, popularly elected Government as soon as the situation permits. The new regime hopes to rally all the Vietnamese people behind it in a new upsurge of national unity. But the risks involved for both the generals and for us are unmistakable. A somewhat comparable coup in Laos in 1960, for which the United States was blamed, has had disappointing results; and the Laotian civil war goes on.

Fortunately, the new Vietnamese rulers are dedicated anti-Communists who reject any idea of neutralism and pledge themselves to stand with the free world. It is significant that one of their charges against Mr. Nhu is that he tried to make a deal with Communist North Vietnam along lines hinted at by President de Gaulle. To the extent that the new Government in Saigon can arouse greater loyalty and support from the Vietnamese people than its predecessor could, the anti-Communist military campaign will take on increased vitality. If the new regime succeeds in identifying itself with the aspirations of the people, it will have taken a long step toward repulsing further Communist inroads throughout Southeast Asia.

EXHIBIT 2

WAR AGAINST CHINA?

The deteriorating situation in Southeast Asia has induced the Johnson Administration to begin an exercise in brinksmanship that could conceivably end in war between the United States and Communist China. Administration spokesmen in Washington have told reporters that North Vietnam and Communist China must leave their neighbors alone or face a war with this country. They have described this nation's commitment in Asia as comparable to the unlimited obligation we have assumed in Berlin. The retiring commander of United States forces in the Pacific, Admiral Felt, says that we are willing to risk war with Communist China to keep her from taking over Southeast Asia.

Against this background there is a clear need for President Johnson to explain to the American people exactly what our policy is, its potential dangers and consequences and the reasons he believes it necessary to take these risks. If possible war with China is what the President means by his San Francisco remarks about opening an "offensive in the pursuit of peace," he should let Congress and the people know in explicit terms.

All this nation's past history shows that Americans are fully prepared to bear the burdens and sacrifices required for national and world security provided they understand why we must act. President Kennedy confronted with the Cuban missile crisis, explained the nature of the crisis to the country and thus engendered the firmest kind of national unity.

It is, of course, the failure to secure implementation of the 1954 Geneva accord on Indochina and of the 1962 Geneva agreement for a coalition government in Laos that has created the present situation with all its catastrophic potential. The goal of American policy in Indochina, as we have repeatedly declared must be the creation of a situation in which those agreements can be truly effectuated. This implies an end to the subversion supported by North Vietnam and Communist China in Laos and South Vietnam, reinstatement of the tripartite coalition in Laos and neutralization of all the four states formed from what used to be French Indochina.

The chief obstacle to such a settlement at the moment is undoubtedly the belief of Peking and Hanoi that they can win control of the entire area by continuing their present tactics. The use of additional American military and economic resources to disabuse Mao Tse-tung and Ho Chi Minh of such illusions is entirely justified.

But such a build-up of United States support should have as its primary aim the reconvening of all the powers responsible for the original Geneva accords to work out more dependable machinery for neutralizing the entire area. Military victory is not possible for either side in this struggle, but the danger of a global conflict seems to be advancing with fearful speed.

EXHIBIT 3

MUCH IS AT STAKE IN SOUTHEAST ASIAN STRUGGLE; LOSS OF SOUTH VIETNAM TO THE COMMUNISTS WOULD GREATLY ENHANCE PEKING'S PRESTIGE AND LEAD TO HEGEMONY IN REGION

(By Neil Sheehan)

WASHINGTON, Aug. 15—Prince Norodom Sihanouk of Cambodia recently remarked that if the Americans lost the war in South Vietnam, as he so often predicts, he would be greeted on his next visit to Peking with the command from Chou En-lai, "Sihanouk, on your knees." His princely days would be over.

The Prince's prediction is a sobering reminder of the stakes involved in the guerrilla war in South Vietnam and the importance to the United States of what happens in Southeast Asia.

For amid the welter of news on the Vietnamese crisis, it is almost possible to forget why the United States became so deeply committed to South Vietnam and Southeast Asia in the first place.

"So much prestige has been committed now," one State Department official said, "it almost seems idle to ask what's behind it."

The United States joined battle with the Vietcong guerrillas in the rice paddies of South Vietnam two and a half years ago for two simple but impelling reasons:

(1) The United States is the only Western power capable of meeting the Chinese Communist challenge for hegemony in Asia.

(2) The United States wants to demonstrate to the rest of the world that this country has both the desire and the ability to defeat the Communist strategy for expansion—a formula composed of guerrilla military tactics and political and psychological action that Peking refers to as the "war of national liberation."

The men who hold power in Washington and Peking believe the outcome of the battle in South Vietnam will decide to a considerable extent the course of events for the next decade in the rest of Southeast Asia—Laos, Cambodia, Burma, Thailand, Malaysia, Indonesia and the Philippines—and thus will effect Asia as a whole and ultimately the world.

SHOCKWAVES

An American defeat in South Vietnam would set off political and psychological shockwaves which could be expected to have roughly the following effects in Southeast Asia:

Laos already has nearly fallen to Communism and would collapse entirely.

There are fears among qualified observers that the clandestine but well-organized Communist party in Cambodia might attempt to assassinate Prince Sihanouk and seize power.

Gen. Ne Win of Burma, under increasing pressure from pro-Communist student and labor groups and with Communist rebels still active in the country, would undoubtedly be forced into virtual satellite status under Peking.

An indication of these possibilities can be discerned from the fact that the so-called neutralism of both Prince Sihanouk and General Ne Win has turned progressively anti-western and pro-Chinese, as the situation has deteriorated in South Vietnam, in efforts to appease Peking.

The pro-Western Governments of Thailand and Malaysia retain power on thin fabrics of stability that might tear under the strain.

It is doubtful if Malaysia's Prime Minister, Prince Abdul Rahman, could survive between the pressures of President Sukarno's "Crush Malaysia" policy from Indonesia and the divisive forces within the loosely cemented federation. Nearly half of Malaysia's 10 million people are Chinese and Peking has long played on the traditional chauvinism of these Chinese and their fear of Malay domination.

The Chinese-controlled Malayan Communist party, now functioning clandestinely because of the defeat of its earlier attempts to seize power through guerrilla warfare, and the pro-Communist Barisan Socialist party in Singapore are patiently awaiting an opportunity to tear the less-than-one-year-old federation of Malaysia apart.

President Sukarno of Indonesia already lends Peking considerable diplomatic support because of his own expansionist ambitions toward Malaysia. His policy of alleged non alignment could be expected to align itself much more closely with Communist China.

The powerful Indonesian Communist party—two million strong and the third largest in the world—has so far been kept out of the Jakarta Cabinet because President Sukarno plays it off against his 500,000-man army. But when the 62-year-old Sukarno dies, the Communists will undoubtedly make an effort to take control of the Government.

There are already signs of reluctance by Southeast Asian nations to commit themselves to pro-American policies because of fears that the United States will fail to defeat the Communist insurgency in South Vietnam. This reluctance also seems to arise from mounting feeling that Communist pressures might better be met by somehow mollifying Peking or developing regional alliances among the Southeast Asian countries.

The fall of Southeast Asia to China or its denial to the West over the next decade, because of the repercussions from an American defeat in Vietnam would amount to a strategic disaster of the first magnitude.

The American position in Asia is preserved by powerful naval and air forces that function through a system of interlocking bases on the islands of the Pacific and along the periphery of the Asian continent from Hawaii to Japan, Taiwan, the Philippines and Thailand to Pakistan. These forces form a shield which protects friendly Asian countries and a sword which can strike at any time along thousands of miles of exposed Chinese coastline.

VITAL WATERWAYS

Southeast Asia is crucial to this strategy because it lies directly athwart the American line of sea and air communications between the Indian and Pacific oceans. The islands of Indonesia from a wall with narrow openings between the two bodies of water. The Strait of Malacca between Singapore and Sumatra is the third most important waterway in the world and its loss would be comparable to the loss of the Suez or Panama Canals.

Besides seriously crippling the basic American strategy in Asia by cutting the route of communications, the loss of Southeast Asia to China or to unfriendly powers would undoubtedly have other effects on Asia as a whole.

India and Pakistan would come under increasing pressure from Peking and perhaps be forced to accommodate China at the expense of the West.

Japan would also probably have to reach some sort of modus vivendi with China to preserve Japan's markets and raw material sources in Southeast Asia.

The United States would be deprived of its extensive air and sea bases in Japan and the potential war production of Japanese industry—the anvil of our power in Asia.

Australia and New Zealand would be isolated and faced with the menace of an expansionist and Chinese-backed Indonesia to the north.

The acquisition of Southeast Asia, with its extensive food and mineral resources, would also hasten China along the road to industrial and military power. One of the principal brakes on Chinese industrialization thus far has been the need to feed its burgeoning population of more than 700 million.

The second major reason for the United States commitment to Southeast Asia—the desire to prove that this country has both the will and the ability to defeat so-called wars of national liberation—carries an importance just as weighty as the need to meet the Chinese challenge for hegemony in Asia.

But the United States has yet to develop a successful technique to parry the new Chinese strategy of inspiring and supporting "wars of national liberation" modeled on the Chinese Communists' own victorious revolution against the Nationalist regime.

TERRITORY GAINED

Previous attempts to meet this threat within the confines of South Vietnam and Laos by working with local governments have failed, perhaps largely because these governments were unable to gain the support of the peasantry. The Pathet Lao in Laos and the Vietcong guerrillas in South Vietnam have progressively gained more territory and population.

Washington now appears to be grouping toward a new policy of applying American military power directly to the situation in a limited fashion. The United States reconnaissance flights over Laos in May and the air strikes against Pathet Lao antiaircraft positions after the Communists drove the neutralists off the Plaine des Jarres were significant departures from earlier policy.

Even more significant was the air strike at the North Vietnamese naval installations and an oil depot in retaliation for the attacks on United States destroyers in the Gulf of Tonkin.

The basic issue on which China is challenging the Soviet Union for leadership of the Communist world is the charge that Moscow has betrayed Communist ideals of expansion by adopting a policy of peaceful co-existence. The Soviet Union's policies, Peking contends, amount to a cowardly retreat before the imaginary threat of an American "paper tiger."

PEKING'S AIM

Peking is demanding the allegiance of other Communist parties by asserting that it possesses a strategy that will "crush" the West and achieve Communist domination of the world.

Communist leaders in Southeast Asia, Africa and South America are watching the test case of South Vietnam to see if China's contention will be proven by victory.

If the United States wishes to influence world Communist along less militant lines, it could strengthen the Soviet Union's position in the Chinese-Soviet dispute by demonstrating that China's new strategy for Communist conquest will be as unsuccessful as the previous Communist attempts in Western Europe and Korea.

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EXHIBIT 4

WASHINGTON: THE LARGER IMPLICATIONS OF VIETNAM

(By James Reston)

WASHINGTON, APRIL 24.—The war in Vietnam has shown once more that the United States still does not have a satisfactory answer to the problem of limited war.

Washington has an effective strategy for deterring nuclear war, which will probably not start, but not for limited wars, which never seem to cease. And the disturbing thing about Vietnam is that all the other border lands along the Chinese-Soviet periphery from Korea to Iran are vulnerable in one degree or another to the Communist techniques of subversion and indirect aggression.

Vietnam, therefore, is not only a present agony but a warning of future trouble in other areas. One does not have to believe in the domino theory—that if Vietnam falls many other states will follow—in order to recognize the dangers inherent in the triumph of what the Communists call—as in Vietnam—wars of national liberation.

THE UNCHANGED OBJECTIVES

The Communist objectives have not changed. They are determined to extend their influence and control as far as they can. What the Soviets attempted by political pressure on Western Europe, by threats of war over Berlin, by nuclear blackmail in Cuba and by their adventure in Korea, the Chinese Communists are now trying to achieve by subversion and guerrilla warfare in Vietnam.

The Soviet Government has come to realize the dangers of this process, at least in areas far from their frontiers, but the Chinese have not. There are serious indications that Moscow wants a negotiated settlement in Vietnam, whatever it says publicly, but Peking has another idea. It thinks it can triumph by limited war in Vietnam, and if it does, the problem of countering limited wars from the Sea of Japan to the Persian Gulf will be even more serious than it is today.

AGGRESSION BY SUBVERSION

How, then, is this aggression by subversion to be stopped? This is the main point. There is no evidence that anything but power will deter the Communists from seeking their objectives. They are the arsenal of rebellion. Therefore, despite all the argument about diplomatic and military tactics in Vietnam, this larger question of how to wage limited wars against their advance remains.

Several theories have been advanced about this. The first is that it is impossible in politically unstable areas right up against China or the Soviet Union for the United States to do anything about it. A variation of this doctrine is that it may be possible to do something about this type of war but only at a cost the American people will not pay.

The second theory, popular during the Dulles-Radford ascendancy in the Eisenhower Administration, is that this kind of frustrating war must be avoided by other means. The Secretary of the Air Force in those days of brave words and small budgets, Donald A. Quarles, explained this theory as follows:

"If it were obvious that limited aggressions would be met with the full force of atomic weapons, I do not believe such aggressions would occur. . . ."

However, when it came time to practice this doctrine, Eisenhower concluded that maybe it wasn't such a good idea.

A third theory is that America can engage in these wars effectively only if it retreats off the continent of Asia and draws the line against Communist aggression farther south where it has blue sky and blue water to exercise its superior air and naval power.

Finally, the fourth theory is what is being applied by the Johnson Administration now. This is that it can hold the populous areas of South Vietnam with its own troops if necessary and meanwhile use its air and naval power to demonstrate that a continuation of the aggression in South Vietnam will cost the Communists in North Vietnam more than they will gain in the South.

THE PRESIDENT'S CRITICS

It is now popular among the Administration's critics to say that this policy has failed, that the Communists are not impressed by the bombings, and this may or may not be right. What we do know is that in the last few days there have been private messages to the West indicating that Moscow, if not Peking, feels that the conflict must now either go to the conference table with the North Vietnamese and the Vietcong or go forward into a much more serious war-including Soviet and Chinese weapons and "volunteers."

This, therefore, may be a time to give private diplomacy a chance. The United States Government, whether right or wrong, is engaged in a delicate operation. Regardless of the mistakes and miscalculations of the past, it is not engaged in a discussion of what might have been, but in how to avoid a defeat that would have the most serious consequences in Asia and the Middle East.

Washington is not now free to adopt any policy advice. It is not free to avoid the consequences of its past commitments or even of its blunders. Its options are limited.

LIMITS ON ACTION

It is not morally free, for example, to carry the air war into the populous areas of North Vietnam, where the really important strategic targets are located. Nor is it morally free to abandon the people who have committed themselves to the battle in South Vietnam and who will be at the mercy of the Vietcong if we pull out.

Even more important, it is not free to submit to the triumph of the Communist guerrilla techniques without making them pay dearly in the process, for if they succeed in Vietnam, nobody dare assume in Washington that the same techniques will not be applied in all the Communist rimlands from Korea to Iran.

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EXHIBIT 5

GOLDWATER: A BOOBY PRIZE

(By BARRY GOLDWATER)

WASHINGTON.—There is not the slightest doubt in my mind that The New York Times will receive many journalistic awards for its publication of the Pentagon Papers on Indochina. After all, a scoop that runs a million and a half words is not exactly to be sneezed at in journalistic circles.

By the same token, I believe The New York Times deserves some kind of a booby prize for its failure to detect the intentions of the Johnson Administration during the Presidential campaign of 1964.

There was no doubt in my mind seven years ago that President Johnson intended to escalate the war against North Vietnam by bombing and by the possible use of American ground troops. And the indications that such preparations were going forward were all over the place. I picked up indications that bombing sorties to the North were being planned and that troop shipments were scheduled in that period without even trying.

It is true that I had access to some classified information as a member of the Senate Armed Services Committee and as a major general in the Air Force Reserve. But it wasn't necessary to use classified material to figure out what was going to happen.

Logic alone should have told the people who put down all those erudite words on the page opposite to this one that L.B.J. or whoever was elected to the office of President had to follow one of two courses of action: either to escalate the war and attempt to win it or withdraw completely from the Indochina theater of war. Logic also should have told those men who consistently accused me of being "ignorant" and "ill-informed" that the American people would not stand for a precipitous withdrawal from Vietnam at that time.

Consequently, it stood to reason that President Johnson would have to widen the war and that planning to this effect was already under way when the President was assuring the American people that nothing of this kind would happen if he were elected.

In the atmosphere that prevailed in 1964 I have a feeling that logic was not uppermost in the minds of people who were feverishly bent on the election of L.B.J. The New York Times, for example, stated on Sept. 24, 1964, that Goldwater did not inhabit "the same contemporary world" as Lyndon Johnson. This presumably was the conclusion reached by The Times because I chose to tell the American people the hard realities of what we were facing in Indochina.

Today I find that I do not inhabit "the same contemporary world" as The New York Times. And this is because I happen to feel that Government papers marked "secret" and "confidential" should remain secret and confidential until such time as the Government responsible for the material in such papers sees fit to declassify them or change the laws regarding the security of our nation.

I happen to be one of those who believes that too many Government papers are stamped classified and secret. I also believe that the authority to classify certain information has been abused by some administrations that desired to hide their own mistakes. However, I am not about to say that this tendency gives any newspaper editor who wants a license to decide on his own what is best for the security of 205 million Americans.

We live in a nation of laws, not a nation of men. When publishers and editors decide on their own what security laws to obey, I believe it puts them in the same category as those radicals who foment civil and criminal disobedience of laws they disagree with or for moral reasons.

The laws governing classification of Government papers were enacted to protect the majority of our people. They were not designed, as we have been led to believe in somes cases, to thwart the journalistic enterprise of The New York Times, The Washington Post or anyone else who deals in the publication of information for public consumption.

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## REMARKS BY SENATOR PAUL J. FANNIN AT SENATE PRAYER BREAKFAST MEETING

Mr. STENNIS. Mr. President, recently the distinguished Senator from Arizona (Mr. FANNIN) spoke at the Senate prayer breakfast. All who heard his remarks were impressed and inspired.

Beginning with the words of the short blessing given at meals in many homes, and drawing on the theme that man does not live by bread alone, he emphasized that it is the joy and dignity of work that give meaning to life. He stressed that although there is much discontent and frustration in our society, life is intended to present challenges, and that America is equal to any task, provided our people draw on the strength of religion.

He pointed out that only religion can make a truly creative person, by causing him to use the talents given him by God to serve the society in which he lives, and that this is our great need today.

So that Senator FANNIN's thoughtful words may be read and reflected upon by all citizens, I ask unanimous consent that they be printed in the RECORD.

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

SENATOR PAUL J. FANNIN, PRAYER BREAKFAST, APRIL 28, 1971

A common prayer used at mealtimes in many homes and as a part of invocation at public gatherings goes "Bless O Lord, this food to our use—and us to Thy service. Amen."

Like many phrases that we become accustomed to through regular use, they become repetitious and lose their meanings. But this prayer, "Bless O Lord, this food to our use—and us to Thy service. Amen," listened to carefully and felt sincerely has a deep meaning and profound significance for practical life and for the solution to many of the problems that confront us today.

It's implicit meaning is that we take food into our bodies to nourish and sustain them, so that, in turn, we will have the strength to serve God more effectively and completely. In other words, the real point of eating is, aside from its enjoyment, that we might more effectively live and work.

One way of describing the philosophy that is at the root of many of our ills, however, is that instead of "eating to live" our society has become one that "lives to eat."

In other words, eating, symbolical, "taking in", "getting all that we can", "consuming as much as possible", with as little effort as possible, has become on *end* in itself . . . The goal of life.

It is no wonder that such a goal and end encourages the selfish side of man, produces hostilities and leaves man dissatisfied and unfulfilled.

For it has always been in *working* that great men have found their reward; they did not live to eat, as it were; they ate to live and work.

Steinmetz, Edison, Curie, Shakespeare, Longfellow, Lincoln, Washington, Jefferson are remembered because behind the scenes of their separate accomplishments were hours of tireless effort.

We are so accustomed to the present day technological-mechanical supports we forget that the railroads which joined this wilderness together were built almost entirely by the muscle of laboring men.

In my State the first great dam in what is now the Nation's reclamation system was built by hand. The stones were cut and shaped by hand. And moved into place without most of the present-day mechanical construction aids.

Many young people, victims of well meaning but mistaken parents who "indulged" them, seek to find an ever-new experience, a new thrill, a new excitement; what they need to discover is the thrill and excitement of a job well done.

The very success of America has created the forces which now threaten to destroy America. For instance, our production line economy has resulted in an impersonal production line society; industry must find ways to let the individual know his labor is an important part in producing the end product.

We despair of the world about us because of the tensions and turmoil and the unrestrained greed which has always disfigured men.

But expressions of despair like marches of protest, political oratory, or pontifical writings alone have never produced a single loaf of bread; at best, they succeed only if they inspire men to work to achieve their goals.

We have in this century endured two world wars. Following the last agony we witnessed the truly remarkable resurgence of modern Germany and modern Japan.

Some observers attribute the phenomenal rebuilding of these two countries to the helping hand we extended to our vanquished foes. No doubt we helped provide the means

and methods; but the raw material was theirs. The indomitable energy of these two peoples that enabled them to rebuild their economy and their societies to a position in the world where they now rival that of ours. They did this by hard work.

We have the talent and the resources to redress all the wrongs of the present moment.

The productive capacity of America is equal to any task. We can reach almost any goal we are willing to work for.

We can rebuild our cities . . . educate the ignorant . . . minister to the sick . . . halt the destruction of our environment . . . and bring peace to the world.

We stand on the threshold of a new decade. The future, we are told, is fraught with peril—confounded by new and unknown challenge . . . threatened by civil unrest and frustration.

Gentlemen, has it not always been so?

Life was not meant to be easy.

We are not biological accidents created to wander aimlessly through our allotted years enjoying the comforts and conveniences which sometimes appear to be the only product of the American society.

We are the sons of the pioneers who conquered this land . . . who bridged the rivers . . . who built the institutions of learning and the hospitals . . . who fashioned a new form of government which boldly declared that all men are the children of Almighty God.

Let us then recognize that we are each one commanded to use the talents the Lord God has given us in the time we have on his earth . . . to work toward that goal he established; the biblical concept of stewardship is that two goods are accomplished when individual men seek to find their niche in God's plan: The welfare of the whole world is improved (we move closer to the kingdom of God); and each individual discovers meaning and purpose for his existence.

In honest and productive labor we will discover the dignity and the meaning of life . . . and in the end the mystery of the infinite.

Kahlil Gibran has said, "You work that you may keep pace with the earth and the soul of the earth.

"Work is love made visible.

"And what is it to work with love? It is to weave the cloth with threads drawn from your hearts . . . even as if your beloved were to wear that cloth.

"It is to build a house with affection . . . even as if your beloved were to dwell in that house.

"It is to sow seeds with tenderness and reap the harvest with joy . . . even as if your beloved were to eat the fruit.

"It is to charge all things you fashion with the breath of your own spirit.

"And if you cannot work with love, but only with distaste, it is better that you should leave your work and sit at the gate of the temple and take alms of those who work with joy.

"For if you bake bread with indifference, you bake a bitter bread. It feeds but half man's hunger."

This Congress, and every Congress, is urged to correct the difficulties of the present moment by the enactment of some new law.

Consumers complain that they have been victimized by shoddy products.

Students complain of the poor quality of instruction they are receiving.

We are all aware that certain segments of our economy are threatened with extinction because of foreign imports.

What we do is of great significance in that laws provide the rules to insure that men have equal opportunity and do not abuse their fellowmen. These laws are for the time our work. Let us be sure it is honest work.

But we cannot by legislation make men industrious or provident or moral or thrifty. Our meeting here is a symbol of our hope that God will so inspire this generation.

Can you think of any situation which vexes us at this moment which would not be dramatically improved if we as a people could rediscover the joy and dignity of work?

Not work which is done grudgingly, for that becomes drudgery . . . not work done without love, for that becomes slavery. The discontent and frustrations of this present moment would surely vanish if in a unity of purpose we might again rediscover it is work which gives meaning to life. So let us give our full support to the religious institutions and efforts in the society, for only from that source will come the inspiration that can change men's hearts and make every man know that he is a child of God, responsible to God for the productive use of his life. Only true religion can convince a man that he is a creative being. The highest part of creation, only little less than God himself.

In his second letter to the Thessalonians, St. Paul said, "If anyone will not work, let him not eat. . . for we hear that some of you are living in idleness, not doing any work . . . mere busybodies . . . now such persons we command and exhort in the Lord Jesus Christ to do their work in quietness and to earn their own living."

We thank God for the mechanical conveniences which enable us to keep warm and dry. We thank God for our system of distribution which can deliver food and clothing to all of our people.

We thank God for the knowledge he has given us so that we can appreciate the significance of labor.

We could not in conscience permit any man to completely starve merely because he refuses to work . . . but we cannot in conscience encourage man to remain idle . . . for we have been told that man does not live by bread alone.

We are, all of us, wayfarers on this earth . . . transients . . . we do not control the day of our birth nor can we control the day of our death. But in the time we have—with God's help—we can employ our talents, use our muscle and our energy, to find satisfaction, not in play or in indulgence, but in work and achievement.

My chosen faith teaches me in all matters to take Jesus Christ as the measuring stick.

Jesus was a laborer. He gave generously of himself during those short years He spent on Earth. As a child he was an apprentice in Joseph's carpenter shop; as a twelve year old we see Him discussing the great issues with His elders in the temple (behind that skill lay hours of reading and prayer, mental and spiritual labor). As He grew into maturity and was recognized by some as the Son of God, He was constantly at the work of teaching, healing, and ministering. To the many requests that came to Him for help, His response was always "let us go at once." Indeed the spirit for which He is most remembered is that understanding of life that caused Him to say, "I have come not to be ministered unto, but to minister," and on another occasion, "my food is to do the will of him who sent me and to accomplish his work."

God grant that such a spirit may capture and save the society that we all love.

## CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ESTABLISH GRANT PROGRAMS FOR CROP LOSSES

Mr. THURMOND. Mr. President, on June 22, 1971, the General Assembly of South Carolina passed a concurrent resolution memorializing Congress to establish a grant program to compensate farmers for losses to perishable crops due to natural disasters.

The severe impact of crop losses due to a natural disaster was recently demonstrated at Johns Island, S.C., where an entire tomato crop was destroyed by a sudden hailstorm.

Mr. President, on behalf of my colleague from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that the resolution be printed in the RECORD.

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

A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS TO TAKE SUCH ACTION AS IS NECESSARY TO ESTABLISH GRANTS FOR LOSSES TO PERISHABLE CROPS DUE TO NATURAL DISASTERS

Whereas, perishable crops are destroyed or severely damaged from time to time due to natural disasters; and

Whereas, there are no feasible protective measures where farmers of such crops can alleviate or mitigate losses resulting therefrom; and

Whereas, perishable crop insurance is either unavailable or too costly; and

Whereas, the csot of operation has increased tremendously resulting in many farmers of such crops being financially unable to recover from such devastating losses; and

Whereas, it is necessary to the general welfare of the whole country that such crops continue to be produced; and

Whereas, the only feasible solution to this problem is for Congress to establish a program of grants to those farmers who sustain devastating losses to perishable crops due to natural disasters. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Congress is hereby requested to take such action as may be necessary to establish a financial grants program for losses to farmers of perishable crops due to natural disasters.

Be it further resolved that a copy of this resolution be forwarded to each member of the Congress representing South Carolina.

## DISTRICT COURT UPHOLDS ERNEST FITZGERALD'S RIGHT TO OPEN HEARING

Mr. PROXMIRE. Mr. President, on Friday, June 25, 1971, the U.S. District Court for the District of Columbia handed down a decision of far-reaching importance in the Fitzgerald case. The court ruled that Mr. Fitzgerald is entitled to an open hearing before the Civil Service Commission to determine whether he is entitled to reinstatement to his job as cost efficiency expert for the Department of Defense.

The court's decision enjoining the Commission from holding closed hearings is unquestionably right. The public has every right to have this case reported directly and in full. And Mr. Fitzgerald has every right to an open hearing. This is the very essence of due process.

Mr. Fitzgerald was fired by the Pentagon after he revealed the enormous cost overruns on the C–5A program to Congress. He was the victim of innuendoes, false allegations, and rumor from the time he testified in Congress until the Pentagon fired him.

The way to end this scurrilous gossip is with an open hearing. And the way to establish the real reason for his firing is with an open hearing. The District court has now provided that opportunity.

In May, I wrote to Chairman Hampton

of the Civil Service Commission to ask whether there were any statutory obstacles to holding an open hearing. Mr. Hampton's reply acknowledged there were none. The hearings would be closed, Chairman Hampton said, because they had always been closed in the past.

Fortunately, the District court put the right of the public and Mr. Fitzgerald ahead of hidebound tradition. The chances are now excellent that Mr. Fitzgerald will at last be vindicated.

Mr. President, I ask unanimous consent that Judge Bryant's opinion, together with my correspondence with the Civil Service Commission, be printed in the RECORD.

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

MAY 7, 1971.

Hon. ROBERT E. HAMPTON,
*Chairman, Civil Service Commission,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: I was dismayed to learn that Ernest Fitzgerald's request for an open hearing has been denied by the Civil Service Commission. I can understand that there may be instances when an appellant might suffer by public airing of allegations against him. However, such is not the case where Mr. Fitzgerald is concerned. An official dossier on Mr. Fitzgerald was compiled by the Air Force, portions of which I have been shown. Much of this gossip has been publicized to Mr. Fitzgerald's detriment. Mr. Fitzgerald would benefit, not suffer, from an open hearing in which scurrilous gossip about him could be effectively laid to rest.

Mr. Fitzgerald's truthful testimony before Congress revealed to the public for the first time the enormous and deliberately concealed cost overruns on the C5A transport airplane. His testimony set in motion a chain of events which resulted in his firing almost exactly one year after his testimony. This kind of retaliation is unconscionable. The Commission is right to look into this case. But, it should do so openly.

The abuses which Mr. Fitzgerald's testimony helped uncover has gone uncorrected, with the result that the American taxpayers have been saddled with billions of dollars in excess costs for Pentagon procurement. Only if public servants feel free to bring such waste to public attention will we have a chance to eliminate it. I do not believe they will feel free to do so until the miscarriage of justice in the Fitzgerald case is set right.

I am interested in the Fitzgerald case as it unfolds. My constituents and many other citizens who write to me are interested. We want full details of the hearings as they progress, not long after the fact. It is clear that open hearings would enhance objectivity in this case.

I would appreciate your informing me if there are any legal obstacles to the open hearing which Mr. Fitzgerald has requested. I want to do all I can to see that any statutory obstacles you may cite are removed.

I look forward to hearing from you.

Sincerely,

WILLIAM PROXMIRE,
*U.S. Senator.*

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UNITED STATES CIVIL SERVICE COMMISSION,
*Washington, D.C., June 1, 1971.*

Hon. WILLIAM PROXMIRE,
*United States Senate,*
*Washington, D.C.*

DEAR SENATOR PROXMIRE: In your letter of May 7, 1971, you raise the question whether there is a legal or statutory obstacle to an open hearing in connection with Mr. Ernest Fitzgerald's appeal from his separation by reduction in force. At the outset it should be understood that the term "open hearing" means open to the public and the press. As explained hereinafter, our hearings are never closed or secret insofar as the parties are concerned.

What obstalcle there is to an open hearing is contained in the policy stated in section 772.305(c)(3) of the Commission's regulation (5 CFR 772.305(c)(3)) which provides:

"Hearings are not open to the public or the press. Attendance at hearings is limited to persons determined by the Commission to have a direct connection with the appeal."

While no right to a hearing has been accorded an appellant under the reduction-in-force regulations, we have traditionally granted a hearing to a preference eligible appellant upon his request and have conducted it in accordance with the hearing procedures set out in section 772.305 of Part 772 of the Commission's regulations (5 CFR 772.305). What is more, upon occasions when courts have remanded cases to us for the purpose of holding hearings on the facts of specific situations, we have conducted those hearings in the same way. Thus, until and unless this long-established regulatory policy is changed, there is no basis for an open hearing even though an appellant may request it.

The obstacle is clearly regulatory rather than statutory, and there is no need for a change in the statutes to permit a change in the regulations. Your having raised the question, and the fact that it became an issue in the Fitzgerald case, are a sufficient basis for us to study the need for change.

I should like to sketch for you some of the problems your question has raised, but I must make it clear that what I say should not be taken as having any bearing on the Fitzgerald case. I know very little about that case, and should it ever come before the Commissioners for review, I should like to learn whatever I learn about it only from the official appeal record. I have no wish to deal with the merits, at this point, of even the procedural issue which is raised in your question. Although this response will, by force of that circumstance, be somewhat general, I shall try to make up for the lack of specificity by thoroughness. Much of what I say is information and advice received from counsel to the Commission.

I am advised that the present regulation (quoted above) has existed in substantially its present form since the Commission issued, on November 7, 1944, its first regulations governing appeals from preference eligibles under section 14 of the Veterans' Preference Act of 1944. The pertinent provisions of that section are now codified in sections 7511–7512 and 7701 of title 5, United States Code. We have had over 26 years of operating experience under the regulation and have had a number of occasions to amend the regulations governing appeals generally by preference eligibles. We have had no demand for a change in this provision. As a matter of fact, we have had very, very few requests for open hearings.

The administrative hearings held by the staff of this Commission are not prosecutorial in nature but are part of an administrative fact-finding process. They are held at the request of the appellant. Most of them involve adverse actions (demotions, suspensions, dismissals) allegedly taken for such cause as will promote the efficiency of the service. The basis of an adverse action is frequently some form of misconduct or delinquency, the evidence concerning which may reflect unfavorably upon the appellant. This factor gives rise to one of the principal reasons for not providing an open hearing in most cases, i.e., the protection of the privacy of the appellant in the case. Of course, this reason may have little validity when it is the appellant who desires an open hearing. Accordingly, the balance of this response will be relevant principally to hearings in which an appellant has requested a waiver of his right to a closed hearing.

Our long experience in the conduct of hearings has heretofore warranted the judgment that we operate best in the search for truth when hearings are freed as much as possible from complicated or rigid procedural rules and distractive formal trappings. Use of simple proceeding which are easy to manage leads to expedition (which also has due process overtones) and low cost. A related consideration which has apparently persuaded us to keep things simple is the need to lessen the burden on appeal examiners who preside at hearings. They are currently trained to handle with competence the matters which have routinely come before them for decision through the years. A judgment will have to be made whether additional training, different accommodations, and additional procedures will be required if our hearings are open to the public. For example, in the face of open press and media coverage, we may have to work out a modification of the exclusionary rule we normally use to insure that prospective witnesses are not influenced by testimony earlier received in a case. At the moment, that has not been a problem.

In connection with the burden on examiners, it may prove important that our appeal examiners do not have the contempt power that judges have, and really have no power to affect those who are not participants in a case. It may also be significant that, depending on the kind of case involved, our examiners are selected for the most part from persons in grade levels GS–12 to GS–15. We will have to determine whether the competence and experience represented by the corps of examiners who actually preside at hearings is adequate to guarantee that the substance of hearings, if the Commission were to conduct open hearings, would continue to receive the "judicial serenity and calm", as well as the detachment, to which every appellant is entitled. The quotation is from *Sheppard* v. *Maxwell*, 384 U.S. 333, 355 (1966), a case in which a conviction was overturned because of the effect of undue news media coverage in the courtroom. I am aware also that in the case of *Estes* v. *Texas*, 381 U.S. 552 (1965), a conviction was overturned because of the effect on the trial of its coverage by television. True, these cases are not directly controlling in our situation, but they do point the need for accommodation between absolute openness and the atmospheric requirements of effective judicial-type procedure.

It would be the sheerest speculation for me to suggest we can currently divine the impact that open hearings would have on the regularity and fairness of the results of our hearings, or on the various participants in them (i.e., the parties, witnesses, and the appeals examiner) in all of the geographical regions in which the Commission operates. We are concerned, however, that a proper balance be struck between the maximum degree of openness and the competing need for the kind of judicial atmosphere, in terms of calmness and decorum, which will assure that results on the merits are reached fairly and correctly by the staff that is available country-wide.

In reflecting upon that desirable balance, it should be remembered that there is no issue here whether hearings should be secret or open to the public. While our hearings are closed to the public and press, they are in no sense secret. The appellant and his counsel are present at all times and the proceedings are recorded either verbatim by a reporter or by an agreed-upon summary. Moreover, there is no general sanction which would prevent the appellant, his representative, or the agency representative, from telling all the world on a daily basis what went on in the hearings. Our question is solely whether, and how well, we can handle hearings which would be open to the public and the press.

In summary, then, the obstacle to an open hearing in cases of this kind presented by Mr. Fitzgerald's appeal is a long-established regulatory policy and practice of the Commission. Current notions of the public accountability of Government operations certainly require reassessment of a balance struck so long ago, but we question the desirability and wisdom of changing precipitously and without study a regulation that has satisfactorily served its purpose without demonstrable damage to the rights of appellants for more than 26 years. Accordingly, I am directing the Commission staff to examine our current requirements to see if a change is necessary or desirable, and to determine the extent to which we can safely be more open. Some of our hearings are open to the public (those involving charges of political activity and those involving the removal of hearing examiners), and our experience there may be quite relevant to any possible change. We would also like to ascertain how other similar administrative hearings (e.g., those held in State and local jurisdictions) are conducted with respect to openness.

It is extremely doubtful that our review of the matter could be completed, or any warranted changes could be made, in time to have an impact on the handling of Mr. Fitzgerald's appeal. We are accountable to various publics, and the momentum of public accountability for rule-making and rule-changing is on the increase. Although as a technical matter rules concerning "agency management or personnel" need not be made the subject of public rule-making procedures under 5 U.S.C. 553, we have increasingly, over the years, found it desirable to engage in consultation with the various groups whose members are subject to our regulations, such as labor unions, bar associations, personnel management professional groups, veterans groups, and other employee associations. At its Second Plenary Session on October 21, 1969, the Administrative Conference of the United States issued its Recommendation No. 16 which urges all agencies to use public rule-making procedures "even when formulating rules of the exempt types." And more recently at its Fifth Plenary Session on May 8, 1971, the Conference confirmed the desirability of public involvement in the articulation of agency policy in its Recommendation No. 25. We feel a strong commitment to having public consultation in advance of regulatory change. We must thus explore, although we cannot predict, what the reactions of our various publics will be to the rules we may decide upon. The time needed for our study and public consultation makes it probable that, like the changes wrought by the Administrative Conference itself, any changes we may make will affect our cases prospectively only.

Sincerely yours,

ROBERT E. HAMPTON,
*Chairman.*

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[United States District Court for the District of Columbia, Civil Action, No. 1109–71]

A. ERNEST FITZGERALD, JAMES DAVIDSON, ROBERT KEPHART, PLAINTIFFS, v. ROBERT E. HAMPTON, CHAIRMAN U.S. CIVIL SERVICE COMMISSION; HERMAN D. STAIMAN, CHIEF APPEALS EXAMINING OFFICE U.S. CIVIL SERVICE COMMISSION, DEFENDANTS

OPINION AND ORDER

Plaintiff Fitzgerald was separated from his federal employment as Deputy for Management Systems, Office of the Secretary of the Air Force, on January 5, 1970. The termination was purported to be based on the abolition of the position through a reduction in force proceeding. Plaintiff appealed to the Civil Service Commission alleging that his separation from the federal service was contrary to federal law and Civil Service Commission regulations in that it was in fact a retaliatory measure for certain testimony given before congressional committees. He also requested a hearing. The request for hearing was granted, and long prior to its scheduled commencement plaintiff made numerous requests that the proceedings be open to the public and the press. The Commission refused to open the hearing relying on a published regulation that hearings are not open to the public or the press. 5 C.F.R. § 772.305. At the time of the hearing, this request was renewed and again refused. The hearing commenced—closed to the public and the press.

The case came on to be heard by the court on June 14, 1971, on plaintiff's motion for a preliminary injunction. On June 17, the court denied the motion, finding that plaintiff had not made the showing required for that extraordinary form of relief. On the same day plaintiffs moved for summary judgment and for expedited consideration, in view of the fact that the closed hearing the complaint seeks to enjoin was continuing on a daily basis and would be completed long before the court would resolve this case in the ordinary course of events. On June 22, the court issued a temporary restraining order against continuation of the closed hearing, pending the court's expedited consideration of the motion for summary judgment and the government's opposition thereto.

Plaintiff Fitzgerald claims that this closed hearing is unconstitutional and, if allowed to proceed, would result in a fundamental right forever lost to him. The important advantages of a public hearing in judicial and quasi-judicial proceedings have been thoroughly recognized—to the extent of being taken for granted as an ingredient of due process. In federal criminal prosecutions public hearing is guaranteed by the Sixth Amendment to our Constitution. As for civil proceedings, Federal Rule of Civil Procedure 77(b) requires that "All trials upon the merits shall be conducted in open court and insofar as convenient in a regular courtroom."

In *Federal Communications Commission* v. *Schreiber*, 381 U.S. 279 (1965), the Court, per Mr. Chief Justice Warren, upheld the right of an agency to insist upon open hearings, even in an investigatory, rather than an adjudicatory, proceeding. In referring to the FCC regulation at issue the Court said, "The procedural rule, establishing a presumption in favor of public proceedings, accords with the general policy favoring disclosure of administrative agency proceedings." 381 U.S. at 293.

In *Morgan* v. *United States*, 304 U.S. 1 (1937), Mr. Chief Justice Hughes, speaking for the Court, stated:

"[I]n administrative proceedings of a quasijudicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand 'a fair and open hearing,'—essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process." 304 U.S. at 14–15.

Counsel for defendant seeks to avoid the requirements of strict due process procedures by urging that hearings held by the staff of the Commission are not prosecutorial in nature but are part of an administrative fact-finding process. True, the hearing is not prosecutorial in nature, but it is nevertheless one where the final outcome is a decision on the merits of the issues raised, and this decision directly affects the legal rights of an individual. Fitzgerald's right to a livelihood is at stake. The hearing is an adversary proceeding. The Air Force is represented by counsel and so is plaintiff. Witnesses testify under oath and cross examination is extensive. It is an adjudicatory process, and it is quasi-judicial.

If a public hearing is accepted as an ingredient of fair trial, plaintiff's position is further supported by our own Court of Appeals.

"Just exactly how the concept of 'due process' is to be applied will vary with the type of proceeding involved, as we are well aware.

"Its exact boundaries are undefinable, and its content varies according to specific factual contexts. Thus, when governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process." [Citing *Hannah* v. *Larche*, 363 U.S. 420, 442, 1960).]

"At the very least, quasi-judicial proceedings entail a fair trial." *Amos Treat & Co. v. Securities and Exchange Commission*, 306 F.2d 260, 263, 113 U.S. App. D.C. 100, 103 (1962).

A fountainhead case setting out the salutary features of open and public proceedings is *In re Oliver*, 333 U.S. 257 (1958). This case has often been relied upon in support of the principle in other than criminal proceedings. K. Davis, *Administrative Law* § 8.09 (1970 Supp.); *see also*, J. Wiggins, "The Public's Right to Public Trial," 19 F.R.D. 25 (1955).

On Monday of this week the Supreme Court ruled that jury trials are not a constitutional requisite in state juvenile delinquency proceedings. *McKeiver* v. *Pennsylvania* and *In re Burris*, 39 L.W. 4777 (June 21, 1971). Mr. Justice Brennan, after agreeing with the Court that the proceedings were not criminal prosecutions within the meaning of the Sixth Amendment, concurred in *McKeiver* and dissented in *Burris* precisely because trial in the former case was open while the public was excluded in the latter case.

"In the Pennsylvania cases before us, there appears to be no statutory ban upon admission of the public to juvenile trials. Appellants themselves, without contradiction, assert that "the press is generally admitted" to juvenile delinquency proceedings in Philadelphia. Most important, the record in these cases is bare of any indication that any person whom appellants sought to have admitted to the courtroom was excluded. In these circumstances, I agree that the judgment in No. 322 must be affirmed.

"The North Carolina cases, however, present a different situation. North Carolina law either permits or requires exclusion of the general public from juvenile trials. In the cases before us, the trial judge "ordered the general public excluded from the hearing room and stated that only officers of the court, the juveniles, their parents or guardians, their attorney and witnesses would be present for the hearing." *In re Burris*, 4 N.C. App. 523, ——, 167 S.E. 2d. 254, —— (1969), notwithstanding petitioners' repeated demand for a public hearing." 39 L.W. at 4786. [Footnotes omitted.]

As against all the weighty considerations favoring open hearings, the only justification of any substance that defendants have advanced in support of the regulation's flat prohibition of them is the protection of the privacy of the appellant-employee. This consideration is obviously of no validity where it is the appellant-employee who wants the open hearing.

The advantages of an open hearing are powerful but, at the same time, intangible. This latter observation is important to the court's action. In many respects the worst that can be said about the closed hearing presently contemplated by the Commission is that it makes room for the probability of unfairness, but then "our system of law has always endeavored to prevent even the probability of unfairness." *Amos Treat, supra*, 306 F. 2d at 263, 113 U.S. App. D.C. at 113, citing *In re Murchison*, 349 U.S. 133, 136–137 (1955). The court is aware of the admonition of our Court of Appeals that the District Court should not exert judicial power

to restrain the processes of a regulatory body exercising quasi-judicial powers which can be judicially reviewed as a matter of right before they become final. The present Chief Justice, then Circuit Judge Burger in *Wolf Corp.* v. *Securities and Exchange Commission*, 317 F. 2d 139, 115 U.S. App. D.C. 75 (1963) stated that:

"To exert judicial power to stop processes of this . . . category, which can always be judicially reviewed when the story is fully told and recorded, is an extraordinary step in the usual as well as the legally artful sense of that word." 317 F. 2d at 143, 115 U.S. App. D.C. at 79.

It seems that the probability of unfairness presented by non-public proceedings does not lend itself to judicial review when the story is fully told and recorded. What can the record reveal other than that the hearing was closed?

It appears that the doctrine enunciated in *Amos Treat, supra*, justifies this court's intervention to the extent of ordering that the hearings be open to the public and the press. Accordingly, it is by the court this 25th day of June, 1971,

ORDERED that plaintiff's motion for summary judgment is granted, and it is further

ORDERED that the defendants, their agents and employees are permanently enjoined from holding hearings closed to the press and the public in the appeal of plaintiff Fitzgerald.

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## ELECTION CAMPAIGN FUNDING

Mr. FANNIN. Mr. President, shortly after the 1968 election, former Census Bureau Director Richard Scammon, one of the foremost authorities on election data, stated:

The real told story of this election (1968) is the role of the labor unions in it. This is a remarkable story. There is no question but that the trade union movement effort materially affected the outcome and contributed substantially to Mr. Humphrey's total vote.

I believe Mr. Scammon made a very accurate point. I further believe that he would agree, the same effect was created on the 1970 elections by unions.

John Herling wrote in his Washington Daily News column of November 5, 1970:

By and large, American labor finds considerable satisfaction in the outcome of Tuesday's election. Its spokesmen believe the contributions made by unions in organization—which means manpower and money—made a significant difference in several key states.

After reviewing the results of the 1970 elections, U.S. News & World Report issue of November 16, 1970, concluded that unions through COPE had kept the unions' friends in Congress, and that:

All in all, AFL–CIO and other unions expect to exert a strong influence on the incoming Congress.

What did the big unions do in the 1969–70 campaign? Unions reported spending a minimum of $10,700,000 in its political efforts.

They spent over $4,200,000 in races for Governor, Senator, and House of Representatives alone. Of that amount, the Democratic candidates received a minimum of $4 million, and the Republican candidates a minimum of $140,000.

And the reported money contributions are only the tip of the iceberg. Not all contributions are reported.

Where do the unions get all this money? Some of the funds come from compulsory union dues. Some of it comes from coercion—union members are forced to make voluntary contributions to avoid harassment or loss of their jobs. Democracy goes out the window when it comes to collecting this money and deciding how it will be used.

In addition, the unions contribute millions of dollars worth of manpower and materiel used in the political wars.

A popular charade played by the union bosses is the creation of "education" or "community action" programs. Union funds are used to "educate" voters to cast ballots for the candidates who have the blessing of the union bosses. "Community action" is aimed at winning the political points that the union leader wants.

One device is the so-called voter registration drive. This is used by the union's political experts as a door-to-door canvass to win votes for specified candidates and to sign up these voters. These drives are bipartisan in name only. Most often the drives are aimed at restricted areas where union strategists have determined the added registration will be of the most benefit to a given candidate who has union endorsement.

Alexander E. Barkan, executive director of COPE spelled out the power of organized labor in an article in "Issues in Industrial Society"—Vol. I, No. 2, 1969—Mr. Barkan stated—in part—

COPE does not engage in the cosmetic side of politics. We do not appear on network television, do not finance expensive media advertising, do not even make many speeches, except to our own union members. We perform the nuts-and-bolts basics of politics. We engage more in registration than rhetoric, more in organization than oratory, more in getting out the vote than getting into the headlines. Not that we slight the educational and propaganda aspects of campaigning, essential ingredients of any political effort. Evidence of the intensity of labor's political activity in 1968 was the 55 million pieces of printed matter distributed by national COPE to unon members and an additional 60 million-plus distributed by state AFL–CIO bodies and international unions. It is unlikely that any organization—including the two major parties—ever produced so much political literature in any one campaign.

He goes on to state:

The scope of our 1968 activity is suggested by the following facts: Labor's nationwide registration drive put 4.6 million voters on the registration rolls. Most were Humphrey supporters. The figure not only represents trade union members and members of their families but reflects the results of labor's registration drives in the Negro, Puerto Rican, and Mexican-American communities. In many Humphrey states, labor did the registration for Humphrey single handedly; the Democratic party had abandoned the field.

Negro trade unionists were mobilized at a series of conferences in the spring of 1968 which led to the formation of units in 31 big cities to increase the vote in the black community. Three and a half million pieces of literature, especially prepared for the Negro community, were distributed. We were the major national organization working at registering black voters and getting out their vote. The Negro vote for Humphrey exceeded 80 percent.

The labor movement mobilized Mexican-American farm workers; and the AFL–CIO funded an operation which included a million leaflets, radio spots, and hundreds of election day workers in California alone. Farm workers' ballot boxes in the state also exceeded 80 percent for Humphrey.

By actual count, prior to and on election day COPE groups operated telephone banks in 638 locations with a total of 8,055 telephones manned by 24,611 volunteers, union men and women, and members of their families. . . .

In many states, a house-to-house canvass was conducted as part of our get-out-the vote effort, particularly in selected labor areas and in minority-group areas where there are relatively few telephones. The number of persons involved in this operation was 72,225.

On election day, 94,457 COPE workers did the bread-and-butter jobs as poll-watchers, baby-sitters, telephoners, materials distributors, and car-poolers. . . .

George Meany once made an interesting remark which can apply to the above:

. . . when you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

How powerful should organized labor and its bosses be in financing campaigns? When any legislation not favorable to unions comes up, union chiefs will expect strong backing from officials they helped elect last year. I fear that any attempt to present stronger and fairer legislation to bring about election reform will meet strong opposition.

Let me cite you an example of how the union bosses laugh at our laws. Section 305(a) of the Federal Corrupt Practices Act, 1925, as amended, states:

The Treasurer of a political committee shall file with the Clerk (of the House of Representatives) between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing . . .

Mr. President, as of yesterday afternoon a dozen of the national union political committees still had not filed reports with the Clerk of the House for the quarter ending May 31, 1971. The reports were due between June 1 and June 10 of this year. I ask unanimous consent that a list of these committees and the dates they last filed be printed at this point in the RECORD.

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

Amalgamated Meat Cutters & Butcher Workmen, February 8, 1971.

International Brotherhood of Electrical Workers COPE, January 26, 1971.

International Brotherhood of Painters & Allied Trades—Political Action Together Program, June 5, 1970.

The Political Committee of the International Typographical Union, January 11, 1971.

Marine Engineers Beneficial Association—District No. 1 Defense Fund, January 5, 1971.

MEBA—Pacific Coast District No. 1—Political Action Fund, January 7, 1971.

MEBA—Pacific Coast District No. 1—Retirees Group, January 5, 1971.

Communications Workers of America, April 15, 1971.

United Rubber, Cork, Linoleum & Plastic Workers of America COPE, December 30, 1970.

Sheet Metal Workers International Association—Political Action League, March 17, 1971.

Textile Workers Union of America—Political Fund, January 28, 1971.

National Maritime Union Fighting Fund, December 14, 1970.

Mr. FANNIN. Mr. President, in the 1970 election, 10 Members of this body received over $50,000 in campaign contributions from the national labor unions. Of these 10, at least three received over $100,000 and one member received in excess of $150,000.

An article in the June issue of Reader's Digest states:

American labor unions with 18,269,000 members and a net worth of more than $4 billion, constitute the nation's most powerful political force. No other organized group can match labor's bloc of voters, its armies of election workers and lobbyists, its campaign treasury or its immense influence in Washington and in state capitals. Consider just a few of the dimensions of this power.

Some 100 union lobbyists roam the halls of Congress and push labor's viewpoint before federal agencies. Almost every year, labor groups lead the list of top spenders for lobbying in Washington; in 1969 (the latest year for which complete figures are available), two postal unions led with $547,000; AFL–CIO national headquarters spent another $184,938. Boasts AFL–CIO President George Meany: "I think frankly we have the most effective lobby in Washington."

This year let us pass a comprehensive campaign reform law. Let us include all political groups—including unions. It is imperative that such legislation include my amendment to prohibit tax exempt status for any organizations using compulsory dues for political purposes. If we are to protect the rights of individual union members and the integrity of our political system, this provision must be a part of any campaign reform law we pass.

## THE CHILDREN'S DENTAL HEALTH ACT OF 1971

Mr. KENNEDY. Mr. President, I am delighted to cosponsor S. 1874, the Children's Dental Health Act of 1971, introduced by the senior Senator from the State of Washington, Mr. WARREN MAGNUSON. As chairman of the HEW Appropriations Subcommittee, Senator MAGNUSON is one of the Senate's health statesmen. His keen appreciation and sympathetic understanding of the tremendous health needs of the American people are a pillar of great strength for progressive legislation in the health arena.

In my role as the chairman of the Senate Health Subcommittee, which has recently conducted hearings on the health crisis in America, I have become acutely aware of the enormous gap that exists between the health needs of our citizens and the delivery of essential health services.

Dental care is a significant part of our health system to which altogether too small a segment of the American public has access. It is appalling that two-thirds of our children from low-income families have never visited a dentist at all; that in this, the richest country in the world, access to a basic health service is finally determined not by need but by economic status. We cannot permit such deprivation to continue unchallenged.

Because the adverse results of dental disease are cumulative, the dental health status of the adult is largely determined by the adequacy of dental protection afforded him as a child. The blunt fact is, however, that the vast majority of our children receive no such protection.

The development of health programs for our children should have a priority call on the Nation's resources. Dental diseases are the most prevalent and among the most destructive of all chronic diseases attacking our children. By the age of 2, over 50 percent have already experienced dental decay, and at age 15 the average child has 11 permanent teeth damaged or destroyed. This distressing situation does not have to continue; the rampant spread of dental disease can and must be checked.

We, in the Congress of the United States, can help prevent and control dental disease among our children by passing S. 1874, which authorizes the establishment of dental care programs for children of needy families and to others who for reasons beyond their control do not have access to dental care. The bill also authorizes the Federal Government to make grants to assist in fluoridating public water supplies, and promotes training programs for dental auxiliaries who are in short supply. Major emphasis would be placed on assisting returning servicemen with dental experience to find their place in the civilian dental care system.

The arguments for a federally sponsored preventive dental care program are convincing. We cannot continue to ignore the dental needs of our children. Therefore, I am pleased to join with Senator MAGNUSON, and the cosponsors of the Children's Dental Health Act of 1971, in their effort to provide a health service to our children which has been so long neglected.

## FRANK BATES, OF STIEFELTOWN, S.C.

Mr. THURMOND. Mr. President, in a day when our newspapers are so full of accounts of man's inhumanity to man, it is indeed refreshing and heart-warming to read about the other side of the coin.

We are all well aware that man is a creature capable of high levels of love and selflessness. We know this—we just do not publicize it very much.

One such case of man's humanity to man has been publicized, and I would like to share the story with Members of this body.

It is the story of Frank Bates, of Stiefeltown, S.C. Mr. Bates happens to be a hemophiliac and his life depends upon the many citizens of Aiken County who contribute blood and plasma for his use.

Although the life expectancy of a hemophiliac is only 20, Mr. Bates is now 38, and he has hopes for many more years of life thanks to hundreds of donors, most of whom he has never met.

Even with these donors, Mr. Bates' good fortune would not have been possible without the outstanding work of the Aiken County Red Cross. During one 32 day period, this organization provided Mr. Bates with 56 pints of blood. Without the Red Cross, the cost would have been more than $1,400.

The heroic contribution of the Aiken County Red Cross Chapter to the needs of Mr. Bates and other hemophiliacs has been graphically described in an excellent article written by Miss Kay Lawrence for the Augusta, Ga., Chronicle of June 18, 1971. I ask unanimous consent that Miss Lawrence's article be printed in the RECORD.

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

HE OWES HIS LIFE TO MANY STRANGERS

(By Kay Lawrence)

STIEFELTOWN, S.C.—Frank Bates owes his life to hundreds of individuals he has never met.

In the past 20 years he has received 1,079 pints of blood through the Aiken County Red Cross blood program.

In addition, he has been given 120 units of plasma, derived from 80 to 90 pints of whole blood.

Afflicted with hemophilia—often referred to as "the disease of kings" because of the number of European royal families suffering from it—he lacks the clotting factor found in normal blood.

It is a hereditary disease transmitted to succeeding generations through the mother.

Bates, 38, lives with his parents, Mr. and Mrs. T. Grover Bates, of Stiefeltown. Although weakened through the years by bouts with the ailment which required long stays in the hospital, he feels he is fortunate.

"The average life expectancy of a hemophiliac is 20," he says matter-of-factly.

He enjoys fishing and hunting at Lake Murray, where one of his sisters has a home. He has received training in TV repair through the State Rehabilitation Department and works at this job when he is able.

His mother, a warm-hearted woman, who has learned to keep an optimistic outlook, thinks of Aiken County's blood donors as personal friends.

"I don't think anybody could have better friends than we have," she said earnestly. She added a grateful word for the staff of Aiken County Hospital and said her son could not have had better treatment "if he had been a millionaire."

Since Frank was born, she has had to face the fact that a minor injury could be disastrous. She lost her oldest son when he was 21, due to hemophilia. Of the Bates' eight children—fours sons and four daughters—two of the sons have escaped the disease and the daughters can only transmit it. But fortunately, all the Bates' grandchildren and the recent great-grandchildren have escaped the disease.

During his school years, Frank had normal energy but had to be protected from injury. Mrs. Bates said his school teachers and classmates were unusually considerate.

A bruise can cause internal hemmorraging and rapid swelling around the area. Cuts, broken bones and tooth extractions are serious hazards, and even minor scratches may be dangerous.

Last summer Frank was in Aiken County Hospital from June 12 to July 14, and received 56 pints of blood. Without Aiken County's Red Cross blood program, the cost at about $25 per pint would have been $1,400.

But even at this cost, it might not have been possible to obtain this much blood for

one patient without the program. Miss Lee Ballantine, director of the Red Cross chapter, said only certain types of blood can be used for the fresh frozen plasma needed for hemophiliacs.

The Aiken County chapter is considered to have one of the outstanding programs in the nation. Since it started in 1951, it has collected 62,886 pints, valued conservatively at $1,572,150.

The supply is free to any resident of the county, whether he is treated in a Carolina hospital or at any point in the nation. Families may receive blood in case of an accident or emergency while traveling. A special benefit to donors is that close relatives, such as a mother or father, living in another area may receive free blood.

Joseph M. Thompson, blood program chairman, is concerned because for the first time this year there is a serious shortage in the supply and the chapter needs 450 pints to meet its annual quota of 4,000 by the end of the fiscal year June 30.

He explained that many regular donors—some of whom have donated eight and nine gallons over the years—are reaching the age limit of 65. Other generous donors have been transferred out of the area.

"We badly need new donors," he said. "We need young people to join this cause, and 18-year-olds may now contribute without parental consent. It is a simple procedure and causes no discomfort. Some people actually tell us they feel better since they started giving blood."

Thompson said donors will have a chance to contribute next Tuesday and Wednesday when a Bloodmobile will be at St. Paul's Church in Graniteville from 3 to 9 p.m., and also on Wednesday in North Augusta from 4 to 8:30 p.m. at the Masonic Lodge.

## PRESIDENT NIXON AND OLDER AMERICANS

Mr. CHURCH. Mr. President, President Nixon—at a speech last Friday before the National Retired Teachers Association-American Association of Retired Persons—said that his administration has been moving to insure that our older citizens get that special attention they deserve.

This is an encouraging statement, especially in view of questions which have arisen within recent months about administration policy toward older Americans.

As chairman of the Senate Special Committee on Aging, I should like to draw the attention of the President to several of those questions. I hope that he will deal with them in a forthright and convincing way in order to provide a greater degree of credence to his pledge of administration concern about the elderly of this Nation.

The President paid special attention to long-term care and referred to the need to reform the regulations with regard to nursing homes in this country. To those of us on the committee who have worked with Senator FRANK MOSS, chairman of our subcommittee on long-term care, in his efforts to persuade the administration to implement regulations mandated by Congress 4 years ago, this is an especially interesting statement. I understand that the Senator from Utah (Mr. Moss) will deal with this issue in some detail, and I will not pursue it here.

But on other matters, I raise these important questions.

Despite a highly touted income strategy for the elderly, this administration has repeatedly urged inadequate social security increases. Earlier this year, for example, the administration requested only a 6-percent raise in benefits—an increase that would not have even kept pace with the rising cost of living. Then it reluctantly accepted a badly needed 10-percent boost in benefits, which was passed by Congress. Now it is attempting to take credit for this action.

Too often this administration has been willing to thrust the elderly into the front ranks in the fight against inflation. This was clearly demonstrated when this year's budget request for the Older Americans Act proposed a $2.5 million slash in funds from $32 million to $29.5 million or about $1.45 for each senior citizen. (Yet, the Pentagon is reported to spend $39 million, and possibly even more, just for publicity to promote its own programs.) Only after joint Senate hearings by the Senate Committee on Aging and the Subcommittee on Aging of the Labor and Public Welfare Committee did the administration reverse its shortsighted position and request an additional $10 million for the Older Americans Act.

In addition, proposed cutbacks in medicare—such as the $10 increase in the part B deductible from $50 to $60 and the $7.50 per day charge from the 31st to the 60th day in the hospital—may further erode the elderly's meager income.

On top of all this, there are numerous complaints by experts in the field of aging and the elderly themselves that the forthcoming White House Conference on Aging may be used for partisan political purposes. Only this week, for example, I had to point out that the administration is apparently attempting to handpick the State delegations, possibly to snuff out any criticism of its policies.

However, the field of aging, I believe, is far too dynamic to settle for an inconsequential conference or policies that will fail to come to grips with problems that beset aged and aging Americans. We have progressed too far since the last White House Conference on Aging in 1961 to accept anything less than a new and effective national policy on aging.

For these and other reasons, I urge the President to reexamine recent administration policies and attitudes which must be changed if he is to fulfill the pledge he gave to NRTA–AARP.

## HUMAN RIGHTS AND CIVILIZATION

Mr. PROXMIRE. Mr. President, how does mankind measure the advancement of a civilization?

I agree with President Nixon when he said—

> For centuries, the advance of civilization has been measured by the progress made in securing human rights. The struggles that divide the world today center on questions of human rights.

The United States has long been in the forefront of the struggle for human rights. The President has also stated—

> It is America's role and responsibility, as the brightest beacon of freedom, so to conduct itself as to provide an example that will truly light the world.

The Senate has before it three conventions which would advance the cause of human rights and thus, the cause of civilization. The Senate must maintain this Nation's beacon. America's leadership in human rights must be sustained.

Ratification of the human rights conventions is one way the Senate can reaffirm America's leadership. Ratification is one way the Senate can advance the march of civilization.

Mr. President, I call upon the Senate to act favorably on all three human rights conventions.

## TEN-PERCENT INCREASE IN RAILROAD RETIREMENT ANNUITIES

Mr. ROTH. Mr. President, I wish to commend Congress for its action in passing H.R. 6444, and thereby assuring a 10-percent retroactive increase in railroad retirement annuities. Railroad annuitants, like everyone else who lives on a fixed income, are finding it extremely difficult to meet their expenses in face of the continuing inflation which erodes their small fixed incomes.

On March 17, the President signed Public Law 92–5, the debt ceiling bill, which increased social security benefits by 10 percent retroactive to January. The increased social security benefits were mailed out this month while railroad annuitants will have to wait a while longer for their increases. This is unfortunate because, ever since the railroad retirement system was established, railroad annuities and social security benefits have been increased in comparable amounts and at approximately the same time. Thus, this 10-percent increase in railroad annuities must be approved as soon as possible so that it can be mailed to beneficiaries before the summer is over. In this connection, I would point out to the Senate that the law provides for a close coordination between railroad annuities and social security benefits. As part of this coordination, some railroad annuities, mostly survivors' annuities, rise whenever social security benefits go up. Thus, some annuitants have already received their 10-percent increase and, in fairness, we must provide the increase to all annuitants not just to a select few who benefit under the so-called social security guarantee.

I am aware of the financial situation of the railroad retirement program and that additional long-range financing is needed to meet the added costs—estimated at $118 million a year—resulting from paying the higher benefits provided by the bill. It is only because of this situation that I am not objecting to the fact that this increase like last year's 15-percent increase, is temporary. And while the bill says that these increases are temporary—that they will expire on June 30, 1973—my understanding of temporary increase is that they are to be temporary in name only. The existing law provides for a group of knowledgeable people to study the program and to come up with recommendations on how to pay

for the increases. After this group reports—on June 30, 1972, under the Senate-passed bill—we intend to come back with legislation improving the financial condition of the system and reenacting last year's 15-percent benefit increase as well as the 10-percent increase included in the present legislation. As a result, not one railroad annuitant has any reason to think that his annuity will be cut back in July 1973.

## EXPANSION OF CHILD HEALTH CARE PROGRAMS

Mr. NELSON. Mr. President, on June 23, 1971, the Senator from Massachusetts (Mr. KENNEDY) and I, along with 12 other Senators, introduced S. 2135, a bill to amend title V of the Social Security Act by extending for 5 years the period within which certain project grants may be made.

The bill is designed to sustain and expand federally supported child health care programs, which provide a wide range of services to needy children.

According to the Maternal and Child Health Service—in the Health Services and Mental Health Administration of HEW—there are in existence some 112 programs funded by project grants, which support:

Maternal and infant care (authorized by section 508(a)(1)); intensive infant care (section 508(a)(2)); family planning (section 508(a)(3)); children and youth projects (section 509); and dental health care (section 510).

At present, 35 States have maternal and infant care projects, 30 have children and youth projects, about 42 have family planning projects, five have infant care projects and, by the end of this year, five will have dental care projects.

The 1967 amendments to title V provided that the project grants, or direct targeted Federal support of these projects, would expire by June 30, 1972 and the States would be required to take over the responsibility for the projects, with help from Federal formula matching grant money.

Under the 1967 amendments, title V allocations—which were authorized to reach a ceiling of $350 million annually—have been divided as follows: 40 percent of the total goes to project grants, 50 percent to formula matching grants, and 10 percent to research and training grants.

Formula grant money supports material and child health services—section 503—and crippled children's services—section 50.

The law provided that, beginning July 1, 1972, 90 percent of the appropriation for title V would be distributed as formula grants—10 percent continuing for research and training.

It was not the intention of Congress that the project grants be terminated, rather that the States take them over. By July 1, 1972, each State would be required to have plans for at least one of each of the five types of projects.

However, as the States are increasingly strained financially, there is no way to assure that the projects will continue to be supported, and, in fact, many of them may be cut back or terminated.

This would be a tragedy. More than 1 million people are now benefiting from these health services. The projects have been praised by HEW and by the communities they serve.

We are introducing this bill to insure continued funding of the project grants, so that these services can be continued and new projects started.

It is our hope that new money for projects will be appropriated under the authorization proposed in this bill—$500 million ceiling—so that States which do not presently have project grant programs will be able to get them underway.

These programs are greatly needed because they are largely devoted to preventive care if we are to meet the needs of a nation already challenged by health care needs.

## CUBAN AIRLIFT

Mr. HUMPHREY. Mr. President, I regret that I was necessarily absent from the Senate when the original continuing resolution on the appropriations bill was introduced and voted upon. I, therefore, would like to take this opportunity to announce my support for the reinstatement of the funds for our Cuban airlift program.

The original Senate version deleting those funds would have ignored the circumstances of thousands of Cuban persons to whom our Government has made a personal commitment.

In November 1965, the Cuban and American Governments came to an understanding—that the United States would carry out an airlift program to secure the safe release of thousands of Cuban people who wanted to leave their country, seeking refuge in the United States. Between 1965 and 1970, some 300,000 people had responded to the memorandum and registered for emigration to the United States.

Since that time, we have brought many thousands of Cuban nationals—now productive, concerned citizens—to this country. These Cuban Americans have added to the wealth and culture of our Nation. They have constructively added to the reality of pluralism in America which has so long been a part of our tradition.

There are still roughly 65,000 of the original 300,000 registrants who are waiting to join their families in the United States. Yet their future and that of others like them would have been altered by this bill. If we had left over 40,000 people stranded after 5 years of waiting, then the humanitarian concerns we pledged ourselves to in 1965 would have been for naught.

I am gratified, Mr. President, that the Senate chose not to ignore the significance and importance of this effective airlift program. We would have committed a mammoth disservice to ourselves and to the Cuban people, here and in Cuba, who put their faith and patience in our good will and reliability, by discarding the airlift program. The fact that this proposal was so soundly rejected is, on the other hand, a fine indication of our commitment to basic humanitarian concerns.

## DECENTRALIZATION OF POWER

Mr. THURMOND. Mr. President, there is a basic soundness in President Nixon's revenue-sharing plan in that it provides for much needed decentralization of power. By returning a portion of our tax funds to State and local governments, Mr. Nixon is providing a means to deal with problems at the level where those problems exist.

However, many plans have been suggested which relate to the revenue-sharing concept, and not all of them are good. One plan now being considered by House Ways and Means Committee Chairman WILBUR MILLS would provide some $3.5 billion directly to cities, bypassing the State government.

An editorial entitled "Direct Aid to Cities Undercuts Federal System" was published in the State, a newspaper of Columbia, S.C., on June 25. It points out that such a plan would threaten the Federal-State dualism of the American system. I ask unanimous consent that the editorial be printed in the RECORD.

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

DIRECT AID TO CITIES UNDERCUTS FEDERAL SYSTEM

More than money alone is caught up in one of the many revenue sharing proposals bouncing around in Congress; the federal system itself is deeply involved.

We refer to a scheme under consideration by Ways and Means Chairman Wilbur D. Mills to bypass the states in distributing some $3.5 billion directly to the nation's financially straitened cities.

There is no denying the need of many cities, perhaps most cities, for considerable revenues over and above that which they currently are producing or which reasonably could be expected from their respective state governments. But if the national government were to become the source of such funds—to the exclusion of any involvement by the states—then the very federal-state dualism of the American system would be eroded.

It is beyond argument that in far too many instances the nation's cities have been ignored, maltreated, or exploited by state legislatures which have reflected neither understanding nor sympathy for municipal problems. And it is likewise true that most states are themselves in such financial difficulties that they can offer little fiscal aid to the struggling cities.

However, the answer does not lie in severing the parental ties which should (but sometimes do not) link the states with their urban political subdivisions. Rather, the solution lies in revitalizing the partnership which ought to exist between state and local governments.

It may well be (although we do not favor the principle) that the current tax structure dictates a sharing of federally collected revenues with those smaller governments which lack the means and the muscle to raise adequate funds. But even so, nothing should be done to further isolate or insulate the cities from the states.

The states themselves, through their executive and legislative branches, must become more intimately involved—and this includes financial involvement—with the problems of the (urban and suburban) areas, which are

themselves substantial, should not be allowed to overshadow those of the cities. For, after all, governments exist to meet the needs of people, and people do not lose their legitimate claim upon government by congregating—wisely or unwisely—in metropolitan areas.

There is no easy solution to the complex and interrelated problems which plague governments at all levels. But anything which drives wedges between different constituencies within any given state, as is bound to happen if Uncle Sam bypasses the states in dealing with the cities, will simply make matters worse.

## AMERICA'S HOUSING POLICIES

Mr. RIBICOFF. Mr. President, the Supreme Court's recent decision in James against Valtierra, upholding the constitutionality of California's mandatory public housing referendum law, has caused considerable controversy across the Nation. No one knows what effect the decision will have on America's housing policies. Many commentators have asserted that it should be read very narrowly, while others claim that the Court has closed off the suburbs to low- and moderate-income families.

Herbert M. Franklin, executive associate of the National Urban Coalition, has written a thoughtful review of the James case entitled "Power to the people who got there first" which deserves the attention of every person concerned with lowering the economic barriers now surrounding our suburbs.

Mr. President, I ask unanimous consent that Mr. Franklin's article published in the May/June issue of City magazine be printed in the RECORD.

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

POWER TO THE PEOPLE WHO GOT THERE FIRST

The recent declaration by a five-man majority of the Supreme Court that local referenda on decent housing for the poor "demonstrate devotion to democracy, not bias, discrimination, or prejudice" should awaken school book memories of our national past.

Our most momentous, and calamitous, friction between democratic theory and the fate of the helpless took place in 1854. In that year Stephen Douglas destroyed the Missouri Compromise by promoting "squatter sovereignty" through the odious Kansas-Nebraska Act that permitted slavery to be voted up or down in those two territories. Historians suggest that Douglas probably sincerely believed that slavery would be voted down. But it took a Civil War and virtually a new Constitution to resolve the questions symbolized by that event. We apparently have some more resolving to do under the complicated circumstances of modern life.

Lincoln's rebuttal to Douglas was essentially that the sacred right of self-government of the few cannot be permitted to override the concerns of an entire nation. It was not the vote in the territories that concerned Lincoln but its impact on the needs of the whole society, as those needs were themselves expressed through less parochial but still democratic means. His argument is still fresh and instructive.

It took long enough, but the Supreme Court's solicitude for racial minorities when they are directly and officially disadvantaged has now been established. But the current slim majority has chosen to ignore what every presidential commission in recent years has documented: the inextricable link between the problems of race and poverty in this society. In so doing, the Court has chosen not to see in the Constitution the guiding principles of economic justice that must undergird a concern for racial justice in urban America. Both require for their solution national policies that are now frustrated by a latter-day squatter sovereignty.

If the conflicts today are less strident than in Lincoln's time, they are just as pervasive. The widening racial and economic disparities in metropolitan areas, now confirmed by the census, will require new national policies that balance the just claims of the needy against the legitimate purposes of local self-government.

For example, a third of our families cannot attain decent housing without a subsidy. The federal government will be subsidizing the construction of 500,000 dwelling units next year. That figure must grow to 750,000 in a few years if our national 10-year housing goals are to be met. During the last decade the federal involvement was a miniscule 60,000 units annually. But we have inherited a dual system of transmitting these increasingly large subsidies to the ultimate beneficiaries. If you are a moderate- or middle-income family you get the benefit of the federal interest assistance subsidies through the Federal Housing Administration and private intermediaries who finance and develop housing. If you are poor you get your subsidy (if you get any at all) only on the initiative of local public officials and, thanks to the Court, perhaps the sufferance of the local electorate. As a result, housing subsidies for low-income families are simply unavailable in vast sections of the nation, including some major cities, while FHA mortgage insurance and subsidies flow to the nonpoor with the market. The only FHA subsidy for low-income people, the rent supplement program, by federal law requires local official approval (even though the project is on the tax rolls). So a perverse symmetry is maintained—a legislated, and now Court-sanctioned, bias against the poor—which is magnified if the enormous automatic income tax benefits to middle- and high-income homeowners are considered.

Short of federal occupation of the field, replacing this dualism by a single-variable housing subsidy for the entire range of eligible income groups, even the moderate-income programs may come under the cloud of the Court's decision. Many local controversies have affected moderate-income rather than low-income proposals. With the federal role in housing increasing the President has stood astride the suburban boundary to oppose "forced integration" and to defend the economic integrity of enclaves of "$20,000 to $24,000" homes probably occupied by families with incomes not significantly higher than those eligible for federal moderate-income subsidies.

Who is protecting whom from what? This is an illustration of how essentially racial tensions can deny opportunities for whites as well as blacks. The President is, in effect, telling the white postal worker or teacher seeking a subsidized dwelling in the suburbs: We're going to treat your needs as though you were black. Even moderate-income housing in the suburbs in popular terms means "black" housing and "economic" integration means "racial" integration. Last year, in fact, the President sent Congress a report in which he asserted that *both* economic and racial discrimination limits sites for federal low- and moderate-income housing programs.

In this context the distinction between economic and racial integration is an arid legalism. Since the federal programs are supposed to open up housing opportunities on an integrated basis, everyone knows that subsidized units potentially can be occupied by blacks. The majority's observation that the challenged mandatory referendum is "neutral" because it applies to all low-income projects and not only to "projects which will be occupied by a racial minority" is an archaic throwback to the now outlawed public housing policy in segregating the races.

Almost one hundred years ago Justice Field said, "When we take our seats on the bench we are not struck with blindness and forbidden to know as judges what we see as men."

For those who can see, the trend is disturbing. The federal housing programs are premised on the interest of private entrepreneurs to work in tandem with government assistance. What is happening lately should give them pause. Projects that increase racial concentrations in the inner city have been challenged successfully under the civil rights laws. Sites in suburbia or "better" areas will meet with various local exclusionary tactics. The vise is beginning to close on the availability of sites, and the risks of delay or total frustration have mounted. As for Secretary Romney's ambition to attract the most highly capitalized concerns into these programs, one can assume these are also the people with the most cautious lawyers.

Lawyers can, of course, find many reasons to limit the scope of the opinion. California's unique history of putting many public questions before the electorate may make similar attempts to single out the poor for electoral consideration in other states more suspect. Situations where racial prejudice is obviously a motivating factor clearly remain subject to successful legal challenge, and these encompass not only referenda but discriminatory zoning, subdivision, and building regulations. But the result will embolden the latter-day squatters who would like to keep anybody out of their privileged sanctuaries.

Indeed, the majority's evisceration of the equal protection clause seems to invite referenda on welfare and other programs for the poor that may "lead to large expenditures of local governmental funds for increased public services and . . . lower tax revenues." Why poor people living in squalid slums (many of them tax-delinquent properties) place a greater burden on public services than poor people in decent housing is not explained. What is implied is that you can vote on whether to let them in at all.

There may be some, even on the Supreme Court, who believe as did Stephen Douglas, that the common sense of the most parochial electorate will recognize poverty as one of the more costly conditions we confront. But with the President describing welfare beneficiaries as shiftless work-shirkers, a compassionate electorate may be too much to expect.

There is other potential mischief in this decision. People are expensive, particularly people with school-age children, and this is so whether they are rich or poor. If you can get the industry and let the new people live in the neighboring town your property taxes will be lower. (If they are poor people, or black people, all the more reason to keep them out.)

If a referendum can purify fencing out the poor (since these, in the Court's terms, are only one of the "diverse and shifting groups that make up the American people"), why not use it as a refuge against urban growth generally? Can the townships of large-lot homes and excessive building size requirements keep out apartments by putting this to a vote of existing residents on the grounds that apartment dwellers will increase the costs of public services? Or how about voting to keep out all but one-bedroom apartments? Indeed, in a recent study of one well-to-do suburb, it appears that because of low assessments on expensive homes, the presence of a good industrial tax base and high per capita school expenditures, a three-bedroom, single-family home valued at less than $100,000 produced a net deficit to the local fisc.

Can that community vote to keep out the $25,000 homes that concern the President? Or must we call on the due process clause to protect the developers' property rights to rationalize the relationships of civilized human values to urban land?

Power to the people is fine. But power to the people who got there first means the continued balkanization of our metropolitan areas.

## AMBASSADOR ROBERT ELLSWORTH

Mr. MATHIAS. Mr. President, public service is a privilege, but it imposes heavy burdens on the talent, the courage, the strength, and the dedication of the men and women who devote their lives to politics and Government. The glamor and the trappings of office have enough glitter so that the hard work is sometimes overlooked until we reach some milestone and look back over the road we have traveled.

Bob Ellsworth has come home from Europe and will make his home in Maryland. He is very welcome and I look forward to a renewed opportunity to learn from him some of the lessons gained from his experience as U.S. Ambassador to NATO.

Ambassador Ellsworth entered the Congress in the election of 1960 and took his seat as a representative from Kansas on the same day that I also took my seat in the House. He immediately earned a leadership role among the Republican freshmen and he retained that role by his industry and ability.

When he left the House and undertook the general practice of law he soon became associated with a successful New York lawyer, Richard M. Nixon. Their professional relationship was such that when Mr. Nixon moved his office to Washington, Bob Ellsworth came along as Assistant to the President of the United States.

He was later entrusted with the delicate and highly sensitive responsibility of representing the President and the people of the United States in the North Atlantic Treaty Organization. During his tenure in Brussels, I had occasion to visit Europe and can testify to the high regard in which Bob Ellsworth was held.

And now we are glad to welcome him back, to thank him for all his good work and to wish him many years of contentment and happiness and success.

## RADIO FREE EUROPE AND RADIO LIBERTY

Mr. McGEE. Mr. President, funding for Radio Free Europe and Radio Liberty is fast approaching the critical point. In fact, as the matter stands, funds for both operations will be running out quite soon.

An editorial published in the Washington Post of June 26 raises very pertinent issues concerning the importance of approving appropriations as soon as possible to enable the two stations to continue their valuable broadcasts.

While Congress is currently hassling over the issue of where financing for both operations should come, we should keep in mind the vital importance of these stations continuing their operations.

I ask unanimous consent that the editorial be printed in the RECORD.

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

THE ESSENTIAL BUSINESS OF RADIO FREE EUROPE

Radio Free Europe, which undertakes to tell East Europeans the news about themselves that their own controlled media withhold, is under harsh political attack for that reason from governments of some of the East European countries it broadcasts to. It may face an even greater peril, however, from the confusion of efforts underway in Washington to end its covert financing by the C.I.A. and to finance and operate it on a new open basis. The situation has got to be taken into hand quickly, for as matters stand, funds will run out for RFE—and for Radio Liberty, which broadcasts to the Soviet Union—quite soon. The two stations are much too valuable to be lost in a summer haze.

East European governments resentful of RFE's broad appeal to their populations have long stewed and fulminated about it—along with pulling such dirty tricks as putting poison in the salt shakers of its Munich headquarters. They could do little more, until Willy Brandt opened his policy of reconciliation with the East. Then, sensing an opportunity for leverage, they said that his *Ostpolitik* and RFE are incompatible. In fact, they are not, but Germany was embarrassed. Once Mr. Nixon made clear his position that American troops and American radios in Germany are part of a package, however, Bonn diplomatically told the protesting East Europeans to cool down.

Some East European governments bored in harder when Senator Clifford Case stated publicly what almost everybody had known for years—that the C.I.A. finances RFE (and Radio Liberty). Poland, for instance, called upon the United States last month to put RFE off the air.

Senator Case's point was to get RFE out in the open and so he offered a bill to finance it by direct appropriations, through the State Department. The administration, correctly contending that much of RFE's audience appeal lies in its appearance of independence from the American government, countered with a bill to set up a publicly funded "private" corporation to run both RFE and RL. (West Germany, for its own reasons, favors the latter approach.) In the meanwhile, there arose on Capitol Hill legitimate questions about the cost of the stations, their research functions, their relationship to other American propaganda and cultural programs, and their coordination with political efforts for detente. The administration did not allow enough time for Congress to cope adequately with these questions and, as a result, the stations are now hanging by the thread of a continuing resolution which provides funds only until August.

We do not have dogmatic views on the kind of organizational home the stations ought to have or on the size of their budgets or the scope of their non-broadcasting activities. We would like to make the emphatic point, however, that RFE and RL do an extremely important job and, in our judgment, do it well.

RFE still carries an image of irresponsibility dating from its indeed-irresponsible words of encouragement to Hungarian rebels in 1956. Together, RFE and RL have the reputation of being the voices of bitter emigres and primitive anti-Communists. The two stations, however, have considerably changed and they can no longer be fairly accused of the sins of their past. What they do now is to communicate directly with the people of East Europe who want to listen to them in order to learn what they cannot learn from their own captive press and radio. The stations do not incite to revolution or preach anti-Communism; they say what is going on in East Europe. It would be an unpardonable breach of faith with the stations' millions of listeners to deny them their choice of radio fare.

Detente, if it means anything, means widening the West's contacts with the East, not helping the East to seal off its people from the West. It means the exchange of people, goods, words and ideas. This is the essential business of RFE and RL. The Congress, in its right-minded determination to shake the stations free of the C.I.A. should not lose sight of the reason for letting them continue it.

## THE PENTAGON DOCUMENTS

Mr. THURMOND. Mr. President, we are reading and hearing much today about the stolen Pentagon documents which allegedly reveal that former President Johnson was planning to escalate the Vietnam war even before the 1964 Presidential elections during which he campaigned as the peace candidate.

Many issues have been raised during this controversy, and I am sure that further study and research will uncover other issues.

Few conclusions stand out clearly at this point, but one fact does stand out—a great portion of the American people feel that they have been deceived and lied to.

An editorial entitled "A Monstrous Lie," published in the News of June 27 calls attention to this debate. I ask unanimous consent that it be printed in the RECORD.

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

A MONSTROUS LIE

Enough of the so-called Pentagon Papers have been published, amid a flurry of federal court injunctions against publication by individual newspapers, to get a glimmer of an idea of what they are and are not.

It is clear that the entire set of documents, even when all are released or made public by other means, will tell only a small part of the Vietnam war story and the decision-making processes involved in American participation in the Indochina conflict. Some indications are beginning to emerge to show that the papers may have been handpicked carefully to create an entirely erroneous concept of how America got bogged down in Southeast Asia.

The further implication is that the Pentagon study ordered by former Defense Secretary McNamara may have been designed to serve the selfish interests of the so-called Kennedy clan and Pentagon Whiz Kids who got America deeply involved in Vietnam in the 1960's then tried to get themselves off the hook.

It is very easy to handpick from among hundreds of differing "contingency plans" devised to cope with every conceivable kind of development and come up with an entirely distorted picture of the planning process and to shift the onus of responsibility from one group to another, almost at will. There are strong indications that this may have been done in the Pentagon study, at least in some instances.

Therefore, the American public would be well advised against accepting as "full gospel" the contents of the voluminous study report as it is revealed, piecemeal or otherwise.

It is possible however, to spot obvious instances in which the American public was lied to for reasons of selfish partisan politics.

One is the matter of the decision to bomb North Vietnam. The Pentagon papers show that a fairly firm concensus to bomb the north had developed in the Johnson administration before the 1964 presidential elec-

tion. This is disputed by sources close to the former President, who insist he had not made up his mind about bombing and hoped to avoid it. The presidential decision was not made until well after the election in which President Johnson decisively defeated Barry Goldwater.

Granted that President Johnson may not have decided to bomb North Vietnam and still hoped not to do so, it still is undeniable that he was well aware that bombing was a probability and that planning for bombing was under way. The former President simply cannot avoid the fact that he knew well before the election that it probably would be necessary to escalate the war in Vietnam, and was preparing to do so.

In the face of that fact, President Johnson and the Democratic party based his campaign against Senator Goldwater in large measure upon depicting the Republican contender as a "warmonger" and himself as a promoter of peace in Vietnam. Time and time again the Democratic party and President Johnson personally said flatly, in speeches and hundreds of television ads, that Goldwater would escalate the war, if elected, but that Johnson would bring peace. The former President made the flat statement that American boys would not be sent to die in Vietnam in large numbers.

That is the record, which convicts President Johnson personally and the Democratic Party of deliberately lying to the American people and of maliciously slandering Barry Goldwater in the 1964 presidential campaign.

Even though American political campaigns never have been models of truth, and mudslinging and distortion have become commonplace, the magnitude of the 1964 Democratic lie is almost without precedent. It would be difficult to find a more intense, deliberate—and unfortunately successful—campaign to deceive the public.

In these troubled, confusing times, the exposure of a monstrous lie by an American President on an issue of life-and-death proportions badly injures the credibility of the Democratic party and of the presidency.

In 1964 President Johnson and the Democratic party callously demeaned the highest office of the land, and did almost irreparable damage to it. The party should not be allowed to escape the consequences of its injury to the presidency and its gross insult to the American people.

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## TENNESSEE-TOMBIGBEE PROJECT WILL NOT MATERIALLY HARM THE ENVIRONMENT

Mr. SPARKMAN. Mr. President, the Washington Post of June 1 contains an article on an adverse environmental review of the Tennessee-Tombigbee waterway project, prepared by the Southeast regional office of the Environmental Protection Agency.

The Tennessee-Tombigbee waterway project involves the construction of a navigable channel connecting the Tennessee River, at a point in Pickwick Lake, with the Tombigbee River in Alabama. With the link to the Tombigbee navigation will be possible from the Gulf of Mexico through the port of Mobile to the Tennessee River.

The Tennessee River is a part of the inland waterway system. For this reason the Tennessee-Tombigbee project is of vast importance, not only to the area through which it will be built, but to vast areas of the interior of the country. These areas stretch from the Plains States, through Chicago, and as far east as Pittsburgh. The benefits will be derived from more economical shipping routes, better utilization of barge equipment, and increased accessibility to raw materials.

The newspaper account of the report prepared by the Southeast regional office of the Environmental Protection Agency indicates that EPA may not have fully account for these benefits. Much of the EPA criticism seems to go to local effects of the project.

For instance, let me quote a Washington Post excerpt of the report:

> The channelization, the dams and impoundments, the introduction of Tennessee River water into the Tombigbee River system, the increased population and new industries and the construction operations necessary for completing the waterway will all have a profound and lasting effect on the water quality values and the ecology of the entire area through which the waterway passes.

As can be seen from this excerpt the first thing EPA complains about is "channelization, dams, and impoundments." Later in the news account it appears that EPA is worried about the loss of "natural shallow water areas, flood plains, pools and bars and riffles." I am intimately familiar with the conditions EPA would like to preserve—not on the Tombigbee River—but on the Tennessee River in north Alabama, where I grew up.

These conditions no longer exist in the Tennessee River. They have been eliminated through the dams and reservoirs that are part of the Tennessee Valley Authority system. No longer do we have shallow water areas and flood plains to provide breeding grounds for mosquitoes. In my youth, malaria was a house guest of many families in large sections of northern Alabama. In fact, I was a malaria victim myself. The mosquitoes that once bred in these soggy areas are under control and malaria has departed.

The bars and riffles that TVA dams now cover with a safe layer of water at one time so hampered navigation that northern Alabama was effectively land locked. At that time, before construction of dams and reservoirs which EPA's Southeast office seems to dislike, northern Alabama was locked into an agricultural economy based primarily on row crops.

This economy did not provide sufficient economic support for the population of the area. We needed industry to balance our agriculture.

Many of our people had to migrate to urban centers such as New York, Chicago, and Detroit in search of a livelihood. Too many of them were ill equipped with skills necessary to compete in an urban location. I may be mistaken but I do not believe that the Nation's environment is improved by crowding more and more unskilled people into our overcrowded cities.

It makes a great deal more sense to expand job opportunities where they live, give them the opportunity to acquire the necessary job skills in surroundings familiar to them, and not to export one area's problem to another place. This type of progress is what has happened in the TVA area.

The navigable channel built by TVA brought low-cost water transportation to sites that were protected from floods by TVA-built dams. These factors, combined with local people who were willing to work and plan for their future, helped spawn a sizable industrial complex in northern Alabama. Jobs, at good wages, became available and the people of the area acquired the skills demanded by these jobs.

Generally the industries that have located along the Tennessee River are nonpolluting. So much so that today, after a vast industrial expansion, the waters of the Tennessee River are useful for more purposes than they were when TVA was formed.

As the region shifted from an agricultural economy to one containing a major industrial ingredient, the remaining farmers were able to diversify their operations and lessen their dependence upon row crops. This diversification included shifting of large amounts of land to pasture, thus significantly reducing soil erosion.

The TVA system of dams and reservoirs did change the ecology of the area. Fishing opportunities in the TVA reservoirs are greatly expanded from what they were before the river was impounded. The fish resource has grown to such an extent that the problem is to encourage a greater harvest of fish rather than placing restrictions on catch. In fact, the abundance of fish in the TVA reservoirs is so great that the States allow a year round open season for sport fishing in them.

The ecology has also been changed as regards wildlife. Along the Tennessee reservoirs over 85,000 acres of land and water are devoted to national wildlife refuges operated by the U.S. Fish and Wildlife Service. Fish and wildlife programs operated by the area's States provide another 100,000 acres of managed land and water in and around TVA reservoirs.

In 1940, when the TVA reservoir system was incomplete, about 10,000 ducks and geese wintered in the TVA area. A census conducted during the winter of 1969–70 counted over 400,000 migrating waterfowl wintering in the area. Thus it can be seen that the dams and impoundments along the Tennessee River have increased the ability of the Nation to support an abundant waterfowl population.

The second complaint quoted above is that Tennessee River water will be introduced into the Tombigbee River. To quote the Post's paraphrasing of the EPA report:

> That pollution from heavy industrialization of the Tennessee River Valley will contaminate present free-flowing and relatively pure streams with nutrients, mercury and toxicants, including DDT.

As I said earlier, the industries that have located along the Tennessee River are generally nonpolluting. One exception that has affected a small percentage of the Tennessee River systems is mercury pollution—a problem that we, along with other areas of the country, discovered only a year ago.

This problem mainly results from the discharge of inert mercury from industrial plants. The mercury is laid down in the sediment at the bottom of a river or lake and some portion of it is changed into a form of mercury that is assimi-

lated by organisms upon which fish feed and thereby finds its way into fish flesh.

The sources of these industrial discharges in the Alabama portion of the Tennessee River have been identified and are now under control. Although this problem exists in Pickwick Reservoir, where the Tennessee-Tombigbee Waterway will enter the Tennessee River, two things should be noted. First, mercury levels in fish taken from the Yellow Creek embayment of Pickwick Lake, the northern terminus of the Tennessee-Tombigbee, have consistently averaged lower than permissible limits set by the Food and Drug Administration.

Second, the mercury content of the water itself is extremely low. From what I have been able to learn, the mercury question raised by EPA is without foundation.

On the matter of other aspects of water quality the Corps of Engineers' environmental statement stated that the water quality in Yellow Creek embayment is of generally excellent quality based on analysis of a variety of data. Accounts of the EPA do repute, not refute this statement. Therefore it seems that EPA should explain how the introduction of water of excellent quality can harm a river.

It should be further noted that the water from the Tennessee River will be used only for lockage in the upper reaches of the waterway. When the Tennessee-Tombigbee attains full utilization, sometime in the future, only about 2.5 percent of the flow of the Tennessee River will be diverted to the Tombigbee River.

EPA also complains about the increase of population in the waterway area. It can be stated with certainty that the Tennessee-Tombigbee Waterway will not father or give birth to a single child. What it will father is jobs for people who are living today and will be born in the future.

With or without the Tennessee-Tombigbee these people will be with us. They will have to live somewhere. The Tennessee-Tombigbee area as a residence for them is preferable to adding additional population to the Nation's already overcrowded urban complexes. If these people are to contribute to the society in which they live they will have to have jobs. The Tennessee-Tombigbee development will provide a base from which those jobs can be created.

It is a fact, as the EPA notes, that the Tennessee-Tombigbee will involve the building of dams and impoundments and will promote industrialization. The TVA experience, however, shows us that properly located dams and reservoirs provide beneficial, not detrimental, environmental changes. The TVA experience further shows that an area can have industrialization and a healthy environment.

As a final reply to the EPA statement, I feel that the Tennessee-Tombigbee waterway, and other sound public improvements, do present us with a choice. However, it is not a choice between development and the environment—because proper development of an area will benefit its environment. The choice is either providing the level of development necessary to provide a good standard of living for our children or condemning a significant portion of our population to unemployment and the welfare rolls.

Mr. President, I ask unanimous consent to have printed in the RECORD the article that appeared in the Washington Post on June 1 entitled, "Big Waterway Plan Assailed by EPA Unit"; an editorial from the Mobile Press Register of June 5, 1971, entitled, "Tenn-Tom Headed For Clear Sailing"; and an article that appeared in the Birmingham News of June 10, 1971, entitled, "Tenn-Tom Will Pass Ecology Test."

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

[From the Washington Post, June 1, 1971]

BIG WATERWAY PLAN ASSAILED BY EPA UNIT

(By Elsie Carper)

An Environmental Protection Agency report has raised strong objections to construction of the Tennessee-Tombigbee Waterway, which President Nixon praised at symbolic groundbreaking ceremonies last week.

The report declared that the multimillion dollar project is of "questionable economic value" and would "irreversibly" damage a scenic and natural area in northeast Mississippi.

In urging that the planned 253-mile channel be "reevaluated," the report, written last February, said that even if all known antipollution measures were taken, the project would degrade streams and rivers and the general water supply.

The channel is to link the Tennessee River with the Tombigbee River to form the upper portion of a 470-mile waterway connecting the Tennessee River and the Ohio Valley to the north with the Gulf of Mexico at Mobile.

It will require the digging of a 186-mile-long channel in the Tombigbee River, a 45-mile lateral canal and a 39-mile deep canal piercing a high ridge that divides two river basins. Ten locks are to be built for the $386.6 million project.

CORPS SOUGHT REPORT

The report was prepared by the Southeast regional office of the EPA and sent to the Mobile office of the Corps of Engineers. The Corps, which will construct the waterway, had asked for the EPA views in compliance with the National Environmental Policy Act requiring consideration of the environmental impact of major government projects.

John C. White, acting EPA regional director, suggested that the Corps seek a "formal response" from the EPA's national administrator, William D. Ruckelshaus. An EPA spokesman said yesterday that the Corps had not made such a request.

Mr. Nixon spoke at the symbolic groundbreaking in Mobile last Tuesday on his first visit to Alabama since assuming office. The actual groundbreaking will take place later this year.

The waterway was in the planning stage long before the Environmental Protection Agency came into being and before consideration was given to the ecological effect of such massive projects. The President halted a similar project, the Cross-Florida Barge Canal, last January "to prevent potentially serious environmental damage." The canal was about one-third completed when he acted.

In his Mobile speech, Mr. Nixon said the Tennessee-Tombigbee would provide jobs and also "carry out and maintain the beauty of this part of the country . . ."

DAMAGE SEEN

But the EPA regional report said insufficient attention had been given to damage the waterway would do to future ecological and water quality values.

"The channelization, the dams and impoundments, the introduction of Tennessee River water into the Tombigbee River system, the increased population and new industries and the construction operations necessary for completing the waterway will all have a profound and lasting effect on the water quality values and the ecology of the entire area through which the waterway passes," the report said.

It warned of the "loss of natural shallow water areas, flood plains, pools and bars and riffles with their associated acquatic vegetation conducive to stream purification," an increase in water temperature, and a change in fish species and organisms in the fish food chain.

It also said that pollution from heavy industrialization of the Tennessee River Valley will contaminate present free-flowing and relatively pure streams with nutrients, mercury and toxicants, including DDT. Barge traffic will add oil slicks and turbidity, it added.

ECONOMIC ARGUMENT

Questioning economic arguments for the waterway, the report declared that "the depressed area which it is supposed to help (northeastern Mississippi) is near the most highly industrialized section of southeastern United States, stretching along the Tennessee River from Pickwick Pool to Kingsport in northern Tennessee."

In contrast, it said, the area where construction would take place is "one of the most picturesque and unspolied areas still remaining in Mississippi," valuable for recreation and for geological formations.

"In view of the rapidly changing public opinion with regard to such areas and the questionable economic value of the project, the EPA believes that a reevaluation of the project should be made, taking into consideration the fact that the project may not bring the commercial and industrial development to the area originally anticipated . . . and a scenic and natural area will be irreversibly damaged . . ."

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[From the Register and Press, June 5, 1971]

TENN-TOM HEADED FOR CLEAR SAILING

Clear sailing appears ahead for an early start on actual construction of the Tennessee-Tombigbee Waterway, despite an adverse comment from a federal bureau known as the Environmental Protection Agency, whose function is primarily in the regulatory field.

This agency suggested a re-evaluation of the long-sought new navigation route between inland mid-America and the Gulf Coast at Mobile, on the premise that it might lead to a "degradation of water quality values" as a "cumulative long-term over-all effect."

But the Council on Environmental Quality, which basically is part of the President's advisory staff, has made plain that it sees no reason to fear any such potentiality.

In fact, a spokesman for this advisory council all but said in the exact words that it fully concurred in President Nixon's recent participation as top figure for the federal government in a symbolic groundbreaking program in Mobile.

"It is obvious," the CEQ spokesman said in Washington, D.C., earlier this week, "we had no objections to the waterway that would prevent the President from participating in the ceremony."

President Nixon's trip to Mobile for the ceremony, coupled with this statement from the Council on Environmental Quality which functions as an instrumentality of his office, may be interpreted as virtually the equivalent of White House clearance for starting construction of the Tennessee-Tombigbee Waterway.

On Capitol Hill, too, the atmosphere is favorable to the project, Congress, of course, having appropriated $1 million for the beginning of construction this fiscal year.

First unit scheduled for construction is the Gainesville Lock on the Tombigbee about 30 miles upstream from Demopolis, itself situated a little more than 200 miles from tidewater at Mobile.

The Mobile District Office of the U.S. Corps of Engineers has selected next Wednesday for the opening of bids on this lock. On the assumption that this history-making event will produce a contract, the first actual construction work on a new inland waterway of far-reaching momentous importance should not be far away.

Still more optimism for the project, which has enormous potential for continuing expansion of service in a variety of vital areas—commerce, industry, recreation—exists in the prospect of a substantially larger congressional appropriation to pursue construction in the new fiscal year which begins July 1.

The multiple benefits of which the Tennessee-Tombigbee Waterway will be capable add up to a magnitude which qualifies the project for enthusiasm regionally and nationally.

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[From the Birmingham News, June 10, 1971]

SAY ITS ENGINEER PLANNERS: TENN-TOM WILL PASS ECOLOGY TEST

(By Ted Pearson)

MOBILE.—Is the Tennessee-Tombigbee Waterway going to pass one of its toughest tests—its impact on the environment?

There is absolutely no doubt about it, say the expert engineers who have planned its construction and will oversee every facet of its development over at least the next decade. These are engineers who have adopted a new and profound consciousness of the effect of big earth-changing projects on the environment—the best technical brains of the U.S. Army Corps of Engineers.

Any fears Tenn-Tom may fall victim to intense ecological pressures—as did the Cross-Florida Barge Canal in the midst of construction—seem to have been pointedly dispelled by a thorough "overall assessment" made by these engineers and greeted so far with favorable reaction or no objection from an array of agencies and people directly involved.

It is an assessment detailed—much of it highly technical—in 56 pages of an initial report completed by the Mobile District of the Corps of Engineers, but not until now given wide attention and publicity.

Purpose of the overall study: To determine if there are "any detrimental effects significant enough to forego development of the project."

Conclusion: "No such adverse effects were revealed by the assessment, and, in fact, the beneficial environmental impacts overshadowed the unavoidable adverse effects."

Before the engineers released the report, they distributed it to every possible federal, state and local agency that might be involved. Each thoroughly reviewed it.

The same agency that successfully got President Nixon to axe the Cross-Florida canal, the Council on Environmental Quality, says it has no such opposition to Tenn-Tom. The council's role is perhaps the most important of all where the environment is concerned. By law, it reviews all water projects of the Corps of Engineers for environmental impact, and makes recommendations to the President.

Many other agencies either simply responded with no comment, praised the completeness of the engineers' study, or had comments, recommendations and suggestions—all of which the engineers say have been reviewed and resolved, or will be handled and adequately resolved in two more in-depth phases of their environmental survey. All this will directly govern the methodology and technological knowhow employed during progress of Tenn-Tom construction as it pertains to land and water alteration.

Most notable of the objections came from the federal Environmental Protection Agency's regional office in Atlanta, which saw Tenn-Tom as leading to overall degradation of water quality in the area covered. Not so, the engineers replied. Erosion control measures, enforced in compliance with federal and state standards, will not only maintain water quality throughout Tenn-Tom, but some areas will see water quality improved considerably.

Significantly, what the Corps of Engineers has concluded so far is only its general environmental assessment of Tenn-Tom and this is highly favorable.

There is much more to come.

The second phase will deal with a detailed evaluation of impacts identified in the overall assessment, which itself required four months of in-depth field studies. Purpose of this second phase is to incorporate all environmental protective measures possible in advanced engineering and design work.

The engineers make this flat, unequivocal assurance: "Alterations in design will be made to increase the gains (in environmental protection) and mitigate the losses." Further, they say, every environmental finding will be updated prior to actual construction of the project's many segments.

The third and final phase of the environmental survey, the corps said, will "involve continued environmental evaluation throughout construction—and operation—of the project."

So technical and so complex are many of the findings in the initial Tenn-Tom environmental assessment, that it is impossible here to detail them.

But some parts dictate brief examination.

Tenn-Tom, the report advises, will directly take in about 70,000 acres of land presently in forests or agricultural use. Much of this, however, will not be completely removed from its agricultural and forest base. And about 40,000 acres of new water surface will be created for all manner of recreational use as a direct byproduct of Tenn-Tom's principal purpose—a new navigable waterway between the Gulf at the Port of Mobile and the nation's mid-continent.

Among other things, the report says that:

Substantial losses will occur in Tenn-Tom's "river section" in prime wildlife habitat and hunting areas and stream fishing, but these effects will be offset by vast new lake fisheries and a great increase in waterfowl hunting areas.

Methods will be used, and enforced, to lessen overall erosion in the Tombigbee River Basin. Coupled with the functioning of newly-created lakes as "sediment traps," the heavy siltload now moving down into the Mobile Bay estuarine area will be substantially reduced.

While construction of Tenn-Tom's "canal section" will require clearing of about 3,000 acres of bottomland and other wildlife habitat, this part of the project "offers wildlife enhancement possibilities" through coordination with a new 11,000-acre wildlife management area planned by Mississippi.

The same situation of certain wildlife habitat losses offset by creating new wildlife opportunities that prevails in the river and canal sections will be existent in the "divide cut" section.

(Tenn-Tom will have a "river section" extending 168 miles north from Demopolis to Amory, Miss., a "canal section" for the next 45 miles parallel to the river and separated from it by levees, and a "divide cut" section for the next 40 miles to connect with the Pickwick Pool of the Tennessee River via Yellow Creek.)

To dispose of an estimated 260 million cubic yards of excavated materials without environmental detriment, methods being considered include its use as fill for roads and highways, rehabilitation of blighted areas, and filling and site preparation for commercial sites. Preliminary investigations indicate that the "efficacious handling" of this material will create "numerous opportunities to provide both short-term and long-range environmental improvements."

Tenn-Tom has "an exceptional potential for development of associated general recreation facilities by local, state and federal agencies, and private interests."

While the project will partially or totally inundate several archeological and historical sites, archeological investigations and salvage activities of endangered sites will be conducted prior to inundation. All steps will be taken for documentation and preservation of historical artifacts.

This is only a sampling of the multiplicity of environmental factors dealt with in the initial study report. The engineers said they had received "numerous communications" from many individuals and groups whose "major concern" was that studies were necessary to determine methods in building Tenn-Tom that "would not result in an ecological disaster."

"This first phase, the overall assessment of environmental effects," the Corps of Engineers concluded, "has been completed and no significant adverse effects have been surfaced which would pre-empt start of construction.

"This assessment should reassure those concerned that, ecologically, the implementation of the project will in no way be disastrous, and in many ways will be beneficial to man's total environment."

Having reached this conclusion, armed with what is tantamount to a green light from the all-important Council on Environmental Quality as a reviewing authority and adviser to the White House, and proceeding with further in-depth studies to keep Tenn-Tom compatible with protecting the environment, the engineers are now on the verge of beginning actual construction.

First construction bids, for building a $10 million lock at Gainesville in Greene County, as the initial segment of the $380 million, 253-mile waterway, are scheduled for opening Wednesday in Mobile, Awarding of contracts is expected to follow shortly.

Even having reached this stage, however, the Corps of Engineers' planners are fully aware that continuing pressures from environmental interests will be intense and that ecological battles are in the cards as Teen-Tom work moves ahead.

"It is vital and important," said one Tenn-Tom engineer "that there is such deep interest and determination to insure environmental protection in connection with this project. To this, we are also totally committed. We are showing—and expect to continue to do so—that Tenn-Tom can and will be built without significant detriment to the environment, and indeed with environmental improvement in a number of ways."

One thing is for certain.

The extent of the environmental role in designing and building Tenn-Tom is unprecedented among the multitude of waterway projects the Corps of Engineers has developed.

Tenn-Tom's primary purpose is, of course economic.

But, as work already done and in process shows, enviromental factors—for the first time in a project of such magnitude—are preceding the ultimate achievement of the economic goal in the Tenn-Tom planning.

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## ELIMINATION OF TRAFFIC IN ILLEGAL NARCOTICS

Mr. FANNIN. Mr. President, on July 14, 1969. President Nixon declared that the elimination of trafficking in illegal narcotics is a matter of national policy.

Today, a little less than 2 years after the President's declaration, we have a

most significant milestone in the battle against narcotics.

I would like to add my voice to those praising the announcement by Prime Minister Nihat Erim that the Government of Turkey is moving to end the growing of opium poppies within that nation.

The Prime Minister shows great courage in seeking to end the growing of the crop which produces needed income for so many Turkish farmers—farmers who cannot comprehend the tremendous suffering that comes from heroin addiction in the United States.

President Nixon has carried out an aggressive and effective fight through diplomatic channels to battle the international traffic in narcotics. The administration made a good start in 1969 by working closely with the Government of Mexico to help cut the flow of illegal drugs from the South.

Yet, it has long been recognized that Turkey was the main source for the opium which then was refined in France before being shipped clandestinely to the United States as heroin. More than 80 percent of the heroin reaching this country was believed to travel this route.

At the insistence of the Nixon administration French authorities agreed to step up enforcement efforts to put the squeeze on heroin-producing laboratories in France.

Turkey took a step in the right direction by reducing the number of provinces where opium production is legal. Still, illicit opium continued to flow out of that nation, through France, and into America.

Now, if the Turkish Government can carry through with its new program to eradicate opium poppies a giant step will have been made toward cutting the international trade in heroin.

The efforts by the Nixon administration have been magnificient.

No one can claim, however, that the war against narcotics is won or will be even if Turkey is 100 percent effective in its plan to ban opium poppy production within 1 year. There are other sources of the poppy.

I still believe that S. 694 would give our Government a stronger hand in stopping the international trade in illicit drugs. This bill would provide that not less than 10 percent of the money contributed to the voluntary U.N. Development Fund be used specifically to control illegal traffic in narcotics. It would give the President the power to suspend American aid to nations which fail to cooperate in international narcotics control programs.

This would be one more weapon for the President, and a weapon which could allow him to apply pressure on all sources of narcotics.

Meanwhile, I applaud the zeal with which the Nixon administration has been attacking the international trade in narcotics, and I salute the Government of Turkey for recognizing the problem and charting a courageous course to solve it.

## AFTER THE POPULATION EXPLOSION

Mr. HARTKE. Mr. President, since the time of Malthus we have been aware of the dangers of overpopulation. But awareness is no longer enough. The population of the world is increasing at an ever-more-rapid pace. Unless we translate our awareness into concern and action, we will fall victim to a manmade catastrophe.

Recently I read an article by Harrison Brown, a professor of geochemistry, science, and government at the California Institute of Technology, which raises some rather perplexing questions about the future of our earth.

Mr. President, I ask unanimous consent that Mr. Brown's article be printed in the RECORD.

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

AFTER THE POPULATION EXPLOSION

(By Harrison Brown)

At one time or another almost all of us have asked: How many human beings can the Earth support? When this question is put to me, I find it necessary to respond with another question: In what kind of world are you willing to live? In the eyes of those who care about their environment, we have perhaps already passed the limits of growth. In the eyes of those who don't care how they live or what dangers they create for posterity, the limits of growth lie far ahead.

The populations of all biological species are limited by environmental factors, and man's is no exception. Food supplies and the presence of predators are of prime importance. When two rabbits of opposite sex are placed in a fenced-in field of grass, they will go forth and multiply, but the population will eventually be limited by the grass supply. If predators are placed in the field, the rabbit population will either stabilize at a new level or possibly become extinct. Given no predators and no restrictions on food, but circumscribed space, the number of rabbits will still be limited, either by the psychological and biological effects of overcrowding or by being buried in their own refuse.

When man, endowed with the power of conceptual thought, appeared upon the Earth scene, something new was introduced into the evolutionary process. Biological evolution, which had dominated all living species for billions of years, gave way to cultural evolution. As man gradually learned how to control various elements of his environment, he succeeded in modifying a number of the factors that limited his population. Clothing, fire, and crude shelters extended the range of habitable climate. Tools of increasing sophistication helped man gather edible vegetation, hunt animals more effectively, and protect himself from predators.

But no matter how effective the tools, there is a limit to the number of food gatherers who can inhabit a given area of land. One cannot kill more animals than are born or pick more fruit than trees bear. The maximum population of a worldwide food-gathering society was about ten million persons. Once that level was reached, numerous cultural patterns emerged that caused worldwide birth rates and death rates to become equal. In some societies, the natural death rate was elevated by malnutrition and disease; in others, the death rate was increased artificially by such practices as infanticide or the waging of war. In some cases, certain sex taboos and rituals appear to have lowered the birth rate. But, however birth and death rates came into balance, we can be confident that for a long time prior to the agricultural revolution the human population remained virtually constant.

With the introduction of agriculture about 10,000 years ago, the levels of population that had been imposed by limited supplies of food were raised significantly. Even in the earliest agricultural societies, several hundred times as much food could be produced from a given area of fertile land than could be collected by food gatherers. As the technology of agriculture spread, population grew rapidly. This new technology dramatically affected the entire fabric of human culture. Man gave up the normal life and settled in villages, some of which became cities. Sufficient food could be grown to make it possible for about 10 per cent of the population to engage in activities other than farming.

The development of iron technology and improved transportation accelerated the spread of this peasant-village culture. Indeed, had new technological developments ceased to appear after 1700, it is nevertheless likely that the peasant-village culture would have spread to all inhabitable parts of the Earth, eventually to reach a level of roughly five billion persons, some 500 million of whom would live in cities. But long before the population had reached anything close to that level, the emergence of new technologies leading up to the Industrial Revolution markedly changed the course of history. The steam engine for the first time gave man a means of concentrating enormous quantities of inanimate mechanical energy, and the newly found power was quickly applied.

During the nineteenth century in western Europe, improved transportation, increased food supplies, and a generally improved environment decreased the morbidity of a number of infectious diseases and virtually eliminated the large fluctuations in mortality rates that had been so characteristic of the seventeenth and eighteenth centuries. As mortality rates declined and the birth rate remained unchanged, populations in these areas increased rapidly. But as industrialization spread, a multiplicity of factors combined to lessen the desirability of large families. After about 1870, the size of families decreased, at first slowly and then more rapidly; eventually, the rate of population growth declined.

During the nineteenth and early twentieth centuries, some of the new technologies were gradually transplanted to the non-industrialized parts of the world, but in a very one-sided manner. Death rates were reduced appreciably, and, with birth rates unchanged, populations in these poorer countries increased rapidly and are still growing.

In spite of the fact that the annual rate of population growth in the industrialized countries has dropped to less than 1 per cent, the worldwide rate is now close to 2 per cent, the highest it has ever been. This rate represents a doubling of population about every thirty-five years. The human population is now 3.5 billion and at the present rate of increase is destined to reach 6.5 billion by the turn of the century and ten billion fifty years from now. Beyond that point, how much further can population grow?

An analysis of modern technology's potential makes it clear that from a long-range, theoretical point of view, food supplies need no longer be the primary factor limiting population growth. Today nearly 10 per cent of the land area of the Earth, or about 3.5 billion acres, is under cultivation. It is estimated that with sufficient effort about fifteen billion acres of land could be placed under cultivation—some four times the present area. Such a move would require prodigious effort and investment and would necessitate the use of substantial quantities of desalinated water reclaimed from the sea. Given abundant energy resources, however, it now appears that in principle this can be done economically.

Large as the potential is for increasing the area of agricultural land, the increases in yield that can be obtained through fertilizers, application of supplementary water, and the use of new high-yielding varieties of cereals are even more impressive. Whereas in the

past the growth of plants was circumscribed by the availability of nutrients and water, this need no longer be true. Using our new agricultural technology, solar energy can be converted into food with a high degree of efficiency, and even on the world's presently cultivated lands several times as much food can be produced each year than is now being grown.

To accomplish these objectives, however, an enormous amount of industrialization will be required. Fertilizers must be produced; thus, phosphate rock must be mined and processed, and nitrogen fixation plants must be built. Pesticides and herbicides are needed; thus chemical plants must be built. All this requires steel and concrete, highways, railroads, and trucks. To be sure, the people of India, for example, might not need to attain Japan's level of industrialization in order to obtain Japanese levels of crop yield (which are about the highest in the world), but they will nevertheless need a level of industrialization that turns out to be surprisingly high.

Colin Clark, the director of the Agricultural Economics Research Institute of Oxford and a noted enthusiast for large populations, estimates that, given this new agricultural land and a level of industrialization sufficiently high to apply Japanese standards of farming, close to thirty billion persons could be supported on a Western European diet. Were people to content themselves with a Japanese diet, which contains little animal protein, he estimates that 100 billion persons could be supported.

To those who feel that life under such circumstances might be rather crowded, I should like to point out that even at the higher population level, the mean density of human beings over the land areas of the Earth would be no more than that which exists today in the belt along the Eastern Seaboard between Boston and Washington, D.C., where the average density is now 2,000 persons per square mile and where many people live quite comfortably. After all, Hong Kong has a population density of about 13,000 persons per square mile (nearly six times greater), and I understand that there are numerous happy people there.

Of course, such a society would need to expend a great deal of energy in order to manufacture, transport, and distribute the fertilizers, pesticides, herbicides, water, foodstuffs, and countless associated raw materials and products that would be necessary.

In the United States we currently consume energy equivalent to the burning of twelve-and-a-half short tons of coal per person per year. This quantity is bound to increase in the future as we find it necessary to process lower-grade ores, as we expend greater effort on controlling pollution (which would otherwise increase enormously), and as we recover additional quantities of potable water from the sea. Dr. Alvin Weinberg, director of the Oak Ridge National Laboratory, and his associates estimate that such activities will cost several additional tons of coal per person per year, and they suggest that for safety we budget twenty-five tons of coal per person per year in order to maintain our present material standard of living. Since we are a magnanimous people, we would not tolerate a double standard of living (a rich one for us and a poor one for others); so I will assume that this per capita level of energy expenditure will be characteristic of the world as a whole.

It has been estimated that the world's total usable coal reserve is on the order of 7,600 billion tons. This amount would last a population of thirty billion persons only ten years and a population of 100 billion only three years. Clearly, long before such population levels are reached, man must look elsewhere for his energy supplies.

Fortunately, technology once again gets us out of our difficulty, for nuclear fuels are available to us in virtually limitless quantities in the form of uranium and thorium for fission, and possibly in the form of deuterium for fusion. The Conway granite in New Hampshire could alone provide fuel for a population of twenty billion persons for 200 years. When we run out of high-grade granites, we can move on to process low-grade granites. Waste rock can be dumped into the holes from which it came and can be used to create new land areas on bays and on the continental shelf. Waste fission products can be stored in old salt mines.

Actually, a major shift to nuclear fuel might well be necessary long before our supplies of fossil fuels are exhausted. The carbon dioxide concentration in our atmosphere is rapidly increasing as a result of our burning of coal, petroleum, and natural gas, and it is destined to increase still more rapidly in the future. More than likely, any such increase will have a deleterious effect upon our climate, and if this turns out to be the case, use of those fuels will probably be restricted.

Thus, we see that in theory there should be little difficulty in feeding a world population of thirty billion or even 100 billion persons and in providing it with the necessities of life. But can we go even further?

With respect to food, once again technology can come to our rescue, for we have vast areas of the seas to fertilize and farm. Even more important, we will be able to produce synthetic foods in quantity. The constituents of our common oils and fats can already be manufactured on a substantial scale for human consumption and animal feeds. In the not too distant future, we should be able to synthetically produce complete, wholesome foods, thus bypassing the rather cumbersome process of photosynthesis.

Far more difficult than the task of feeding people will be that of cooling the Earth, of dissipating the heat generated by nuclear power plants. It has been suggested that if we were to limit our total energy generation to no more than 5 per cent of the incident solar radiation, little harm would be done. The mean surface temperature of the Earth would rise by about 6 degrees F. A temperature rise much greater than this could be extremely dangerous and should not be permitted until we have learned more about the behavior of our ocean/atmosphere system.

Of course, there will be local heating problems in the vicinity of the power stations. Dr. Weinberg suggests a system of "nuclear parks," each producing about forty million kilowatts of electricity and located on the coast or offshore. A population of 333 billion persons would require 65,000 such parks. The continental United States, with a projected population of close to twenty-five billion persons, would require nearly 5,000 parks spaced at twenty-mile intervals along its coastline.

Again, I want to allay the fears of those who worry about crowding. A population of 333 billion spread uniformly over the land areas of the Earth would give us a population density of only 6,000 persons per square mile which, after all, is only somewhat greater than the population density in the city of Los Angeles. Just imagine the thrill of flying from Los Angeles to New York and having the landscape look like Los Angeles all the way. Imagine the excitement of driving from Los Angeles to New York on a Santa Monica Freeway 2,800 miles long.

A few years ago Dr. J. H. Fremlin of the University of Birmingham analyzed the problem of population density and concluded that several stages of the development might be possible beyond the several-hundred-billion-person level of population. He conceives of hermetically sealing the outer surface of the planet and of using pumps to transfer heat to the solid outer skin from which it would be radiated directly into space. Combining this with a roof over the oceans to prevent excessive evaporation of water and to provide additional living space, he feels it would be possible to accommodate about 100 persons per square yard, thus giving a total population of about sixty million billion persons. But, frankly, I consider this proposal visionary. Being basically conservative, I doubt that the human population will ever get much above the 333-billion-person level.

Now some readers might be thinking that I am writing nonsense, and they are right. My facts are correct; the conclusions I have drawn from those facts are correct. Yet, I have truthfully been writing nonsense. Specifically, I have given only *some* of the facts. Those facts that I have omitted alter the conclusions considerably.

I have presented only what is deemed possible by scientists from an energetic or thermodynamic point of view. An analogy would be for me to announce that I have calculated that in principle all men should be able to leap ten feet into the air. Obviously, such an announcement would not be followed by a sudden, frenzied, worldwide demonstration of people showing their leaping capabilities. Some people have sore feet; others have inadequate muscles; most haven't the slightest desire to leap into the air. The calculation might be correct, but the enthusiasm for jumping and the ability to jump might be very low. The problem is the behavior of people rather than that of inanimate matter.

We are confronted by the brutal fact that humanity today doesn't really know how to cope with the problems presented by three-and-a-half billion persons, let alone 333 billion. More than two-thirds of the present human population is poor in the material sense and is malnourished. The affluent one-third is, with breathtaking rapidity, becoming even more affluent. Two separate and distinct societies have emerged in the world, and they are becoming increasingly distinct and separated. Numerically the largest is the culture of the poor, composed of some 2,500 million persons. Numerically the smallest is the culture of the rich, composed of some 1,000 million persons. On the surface, the rich countries would appear to have it made; in historical perspective, their average per capita incomes are enormous. Their technological competence is unprecedented. Yet they have problems that might well prove insoluble.

The most serious problem confronting the rich countries today is nationalism. We fight among each other and arm ourselves in order to do so more effectively. The Cold War has become a way of life, as is reflected in military budgets. Today the governments of the United States and the Soviet Union spend more on their respective military establishments than they do on either education or health—indeed a scandalous situation but, even worse, an explosive one.

All of the rich countries are suffering from problems of growth. Although the rates of population proliferation in these areas are not large, per capita consumption is increasing rapidly. Today an average "population unit" in the United States is quite different from one in the primitive world. Originally, a unit of population was simply a human being whose needs could be met by "eating" 2,500 calories and 60 grams of protein a day. Add to this some simple shelter, some clothing, and a small fire, and his needs were taken care of. A population unit today consists of a human being wrapped in tons of steel, copper, aluminum, lead, tin, zinc, and plastics. This new creature requires far more than food to keep it alive and functioning. Each day it gobbles up sixty pounds of coal or its equivalent, three pounds of raw steel, plus many pounds of other materials. Far from getting all of this food from his own depleted resources, he ranges abroad, much as the hunters of old, and obtains raw supplies in other parts of the world, more often than not in the poorer countries.

Industrial societies the world over are changing with unprecedented speed as the result of accelerated technological change, and they are becoming increasingly complex. All of them are encountering severe problems with their cities, which were designed within the framework of one technology and are falling apart at the seams within the framework of another.

The technological and social complexities of industrial society—composed as it is of vast interlocking networks of mines, factories, transportation systems, power grids, and communication networks, all operated by people—make it extremely vulnerable to disruption. Indeed, during the past year we have seen that the United States is far more vulnerable to labor strikes than North Vietnam is to air strikes. This vulnerability may eventually prove to be our undoing.

A concomitant of our affluence has been pollution. That which goes into a system must eventually come out; as our society has consumed more, it has excreted more. Given adequate supplies of energy and the necessary technology, such problems can be handled from a technical point of view. But it is by no means clear that we are about to solve these problems from a social or political point of view.

Although we know that theoretically we can derive our sustenance from the leanest of earth substances, such as seawater and rock, the fact remains that with respect to the raw materials needed for a highly industrialized society the research essential to the development of the necessary technology has hardly begun. Besides, it is less expensive for the rich countries to extract their sustenance from the poor ones.

As to the poor countries with their rapidly increasing populations, I fail to see how, in the long run, they can lift themselves up by their own bootstraps. In the absence of outside help commensurate with their needs, I suspect they will fail, and the world will become permanently divided into the rich and the poor—at least until such time as the rich, in their stupidity, blow themselves up.

One of the most difficult problems in the poor countries is that of extremely rapid population growth. If an economy grows only as fast as its population, the average well-being of the people does not improve—and indeed this situation prevails in many parts of the world. Equally important, rapid growth produces tremendous dislocations—physical, social, and economic. It is important to understand that the major population problem confronting the poor countries today is not so much the actual number of people as it is rapid growth rates. Clearly, if development is to take place, birth rates must be reduced.

Unfortunately, it is not clear just how birth rates can be brought down in these areas. Even with perfect contraceptives, there must be motivation upon the part of individuals, and in many areas this appears to be lacking. Some people say that economic development is necessary to produce the motivation, and they might be right. In any event, the solution will not be a simple one.

Although I am pessimistic about the future, I do not consider the situation to be by any means hopeless. I am convinced that our problems both here and abroad are solvable. But if they are ever solved, it will be because all of us reorient our attitudes away from those of our parents and more toward those of our children. I am convinced that young people today more often than not have a clearer picture of the world and its problems than do their elders. They are questioning our vast military expenditures and ask whether the Cold War is really necessary. They question the hot war in which we have become so deeply involved. They are questioning our concepts of nationalism, materialism, and laissez faire. It is just such questioning on the part of the young that gives me hope.

If this questioning persists, I foresee the emergence of a new human attitude in which people the world over work together to transform anarchy into law, to decrease dramatically military expenditures, to lower rates of population growth to zero, and to build an equitable world economy, so that all people can lead free and abundant lives in harmony with nature and with each other.

## A FINE HIGH SCHOOL ECOLOGY

Mr. JAVITS. Mr. President, although the Federal Government has taken great strides recently to protect our environment, it is apparent that not enough is being done. We must encourage a new direction in our scientific endeavors to more properly manage the resources of earth.

The students in the environmental control class of Roslyn High School in Roslyn Heights, N.Y. are a shining example of what could be accomplished if the Government and the private sector—working together toward new goals—harnessed our technology to protect instead of exploit our environment. This class has recently completed a series of "position papers" whose objective is to improve the effectiveness of Federal environmental programs.

These students, who came to Washington and met with a member of my staff to discuss implementation of their suggestions, displayed a keen awareness of problems surrounding pollution control; and their papers contain many bold and immaginative ideas with realistic solutions to the problems of solid waste disposal, noise pollution, water pollution, population explosion, and so forth.

A great deal of credit should go to these students for the understanding they displayed of the complexity of environmental issues; and to their instructors who were instrumental in helping them arrive at such practical, helpful solutions from which I hope we can all benefit.

Mr. President, I ask unanimous consent that extracts from these papers be printed in the RECORD.

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

### A NEW FEDERAL ROLE IN SOLID WASTE MANAGEMENT

(By Peter Rubin)

I. New Priorities—The Solid Waste Management Field desperately needs funds to rehabilitate old facilities and implement new techniques. Over half the federal budget is spent on defense, yet we are unable to defend ourselves from garbage. As Vietnamization of the War proceeds, less money should be spent on defense and this money must go to trash treatment.

II. Incineration and Landfilling—Some areas are now being treated by adequate incineration and landfilling operations. These facilities are to be left alone for now, but the residue of incineration can be recycled. Some landfilling areas are running out of acreage, and in these areas new programs must be initiated.

III. Recycling—Recycling, or reclaiming of refuse for further usage, must be implemented. Houston, Texas has already been operating a recycling plant for over six years. The necessary technology has already been developed. Federal grants should go towards the construction of reclamation centers in urban areas, where the problem is worst.

IV. Composting—A great portion of Solid Wastes is organic material, which can be graded, and then shredded and cured to produce a fertilizer or soil treatment. This is a valuable method of reusing the organic materials from nature. The composting technique has also been tried, and the necessary technology is ready to be applied. Government subsidies should not be granted to farming operations not using compost as a soil treatment.

V. Tax Proposals, Automobile Disposal Tax—A deposit would be made on all cars bought in the United States. This fee would be refunded to the final owner of the car, if he returned the vehicle to the proper reclamation center. This would encourage the returning of cars, and would help to set up a new waste psychology.

Deductions—Companies alloting funds for research and development in the Solid Waste field should be allowed to deduct such amounts from their corporate tax payments.

### THE ARMY CORPS OF ENGINEERS AND THE ENVIRONMENT

(By Lisa Gelfand)

This paper discusses the history and organization of the Army Corps of Engineers. Then the relationship with Congress is explored and the nature of the "pork barrel" phenomenon described. Examples of the ill effects of determining policy by "pork barrel" are given and then a discussion of the economics (or lack of them) in the Corps operations. The conclusion is that neither the Corps' cost figures, benefit figures, or benefit-cost ratio are accurate, and that, due to the "pork barrel", it doesn't matter in the passage of certain projects. Several examples of the Corps' depradations on the land are given, including the cases of the Everglades, the Cross-Florida Barge Canal, and the Rampart Dam.

The conclusion of this paper is that while the Corps has done many fine things for the country, the management of our resources should be shifted into the sphere of comprehensive planning rather than single project building. This would be best accomplished in the Department of the Interior after a clean break has been made from the old "spoils system." Our water is too important to be political prize money.

### ABSTRACT

(By Patty Greco)

1. The SST is extremely detrimental to the environment.

2. Now that the United States' SST project has been halted, we must pass laws in Congress which would prohibit foreign SST's from landing here or flying over the United States.

3. A sonic Boom is a sudden shockwave created when a plane surpasses the speed of sound.

4. The bang-zone is the area of earth which would be hit by sonic booms during flight of the SST.

5. The SST must be prohibited, since it will: (a) cause increased noise pollution and annoyance; (b) increase air pollution; (c) produce climatic change.

6. The funds proposed for the SST should be used to develop an effective mass transit system. We must reorganize our priorities.

### PESTICIDES AND THE ENVIRONMENT

(By Jill Feltheimer and Esther Epstein)

Although pesticides have greatly helped to create the spectacular advance in American agricultural efficiency, they are also helping to destroy our environment, and us. It is of the utmost necessity that the federal gov-

ernment take steps to safeguard the American people from the use and misuse of these dangerous chemicals:

1. Federal registration must require testing of the impact of insecticides on the insect communities to which they are applied, or their potential for triggering pest resurgence and secondary pest outbreaks.

2. All chemical pesticides must be labeled as to their exact impact on the environment. Their killing capacity must be noted, as well as the specific uses.

3. The man who analyzes pest problems and recommends the chemicals to be used must be required by law to demonstrate his professional qualifications, as well as possess a federally issued license.

4. The federal government should underwrite some of the developmental costs of selective chemicals by supporting studies concerned with analysis of the material's health hazards, and its effect on the environment.

5. The federal government must consider enforcing a law which would prevent interstate commerce of pesticides.

6. The federal government must research and publicize biological methods of pest control. These methods must be used where and when possible.

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ENVIRONMENTAL EDUCATION

(By Miriam Hendon and Richard Ruchman)

WHY?

1. Out of ignorance many Americans are unknowingly adding to the problem of pollution; and

2. In order to cope with coming ecological crises, the next generation must be prepared.

HOW?

1. An environmental studies course in all public high schools;

2. Government supported teacher training programs; and

3. An administrative environmental education agency.

WHEN?

Now.

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THE U.S. POPULATION CRISIS

(By Douglas George Morris)

The absolute population and the population growth of the United States is increasing.

The ecology of this Nation—and planet—cannot accommodate itself to this rising rich population. Because of this increase in this nation's population, valuable resources are being depleted, air and water is being polluted, problems of solid waste are being exacerbated, and tension due to overcrowding is being increased. This nation's population increment and a likely decrease in agricultural production might cause widespread hunger in this nation by or soon after the year 2000.

Population redistribution is not a solution to this crisis.

Families in this nation must average no more than two children. This goal cannot be accomplished by family planning of programs directed only at the poor.

Population control methods must include the repeal of restrictive contraceptive laws, the encouragement of voluntary sterilization by means of government bonuses and tax reductions, the repeal of all abortion laws and the encouragement of abortion by government bonuses, and the encouragement of marrying at a late age.

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ENVIRONMENTAL ACHIEVEMENT PROGRAM

(By Bonita Sobel)

Precise and planned action must be effected in order to help solve the environmental problems. The Environmental Achievement program hopes to be an organization that will be an actionary force for the environment by precise planning of pro environmental campaigns to educate mankind to take an active part in the fight against pollution. The program will consist of local, federal and regional chapters. Their efforts will try to incorporate environmental education in the school curriculum and to teach the problems and reasonable solutions within the grasp of the ordinary person.

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THE ROLE OF THE FEDERAL GOVERNMENT IN UTILIZING TECHNOLOGY

(By Jennifer Kohn)

The utilization of technology has resulted in both benefits and harms to the society at large. As the rate of technological implementations increases with time, we are falling further and further behind in our efforts to control the negative effects of these implementations. As a result, we now face a major environmental and societal crisis. Existing institutions are unable to cope with these harms accrued from technological implementation. To fill in the deficiencies existing in the status quo, a comprehensive interdisciplinary agency needs to be formed in order to help with the management of technology for the social good.

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POWER PRODUCTION FOR THE FUTURE

(By Peter Yohalem and John Abeles)

Presently the United States is facing a power crisis and methods for producing power in the future must be developed. Present day fossil fuel plants should be used until these new methods are developed but devices such as electrostatic precipitators and scrubbers should be installed on these plants.

Nuclear power is not the answer for our power crisis. Vast amounts of radioactive wastes must be disposed of if this is used and this poses a grave problem. Thermal pollution is also another problem posed by nuclear power and can cause irrevocable damage to the environment.

The Federal Government must give huge grants to organizations to research alternatives for producing electrical power. Such processes as fusion power show promise for the future and are safer than nuclear plants. Garbage burning plants show promise in the future as supplementary power plants. Only with research now will we be assured of adequate power for the future.

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NOISE POLLUTION

(By Paul Housberg and John Fromson)

A. Noise may be our most dangerous pollutant.

1. Noise level is twice as loud today as it was fifteen years ago and will probably double by the end of the seventies again.

2. Finding quiet and privacy is becoming impossible.

B. Cost of Adaptation.

1. Physical damage;

a. Hearing loss;

b. Vascoconstrictive reflexes and cardiovascular dysfunction;

c. Gastro-intestinal disorders;

d. Endocrine and metabolic effects;

e. Hypertension, and

f. Damaging to human fetus.

2. Psychologically:

a. Induces tenseness and neurosis;

b. Vertigo, hallucination;

c. Interferes with dream process;

d. Paranoia;

e. Suicidal and homicidal impulses;

f. Noise cannot be gotten used to.

3. Some of our nation's gravest social problems and a great amount of disease and unhealthfulness are connected with the fantastic amount of noise that we are subjected to.

C. Sound can set bodies vibrating and with the proper combination of accoustic energy and frequency can crack windows, destroy rock formations and induce serious structural damage.

D. Millions of dollars are lost as a result of the damage that noise causes to buildings, equipment, and human beings.

E. Noise control in the U.S. is totally inadequate. Other countries, including Russia, have surpassed us in the area of noise abatement.

F. What must be done?

1. Recognize the actual danger and magnitude of the problem.

2. Noise must become an important consideration in the design of appliances, machinery, vehicles, and transportation planning.

3. Government should encourage manufacturers to make noise a consideration in the design of their products.

4. Establish an accrediting board to test and approve products.

5. All products must have decibal emissions displayed on them.

6. Government funding of testing labs.

7. Automobiles should be inspected periodically for noise output.

8. Elimination of SST.

G. Though probably the most dangerous pollutant, noise is probably the easiest pollutant to clean up. We already know how to suppress noise and while funding will be necessary as in any campaign, much of the problem can be solved just through legislation.

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WATER POLLUTION LAWS

(By Anita Light)

I. Water pollution is harmful and will eventually destroy us:

A. We are running out of oxygen;

B. We are running out of water; and

C. Water pollution causes and aggravates many diseases.

II. There are certain barriers against anything but Federal control:

A. Pollution crosses political boundaries;

B. States cannot raise the funds to control pollution; and

C. States are in competition for industry.

III. All pollution laws enacted should have pollution control standards set nationally.

IV. All pollution control laws should have provisions to ease the process of updating standards.

V. All existing agencies with jurisdiction in the environmental problems should be eliminated and replaced with one "super" agency restricted to protecting our living environment.

VI. All laws should have fines enacted with a minimum fine and a maximum fine that would serve as a real deterrent:

A. Fine of a percentage of net daily profit;

B. Effluent charge.

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MASS TRANSPORTATION

(By Carlyn Hirshleifer, Barbara Furman, and Esther Epstein)

In many of our cities, our society is facing the undesirable effects of the present transit systems which have been inadequately addressed for the past few decades. The near strangulation of traffic in our metropolitan areas has cost billions of dollars through delays in the delivery of goods and the performances of services. Even optimists do not believe that the transportation crisis will get much better in less than five years. In reevaluating our mass transit system we urge that:

1. In the older and larger cities which already have an extensive rail system, the Federal government must see that these facilities are satisfactorily operated.

2. In newer cities, rail buses must be instituted to insure efficient mass transportation without the threat of air and noise pollution.

3. Studies to better the integration of different means of transportation must be promoted by the federal government.

4. Efforts to prevent an imbalance in favor of the private car must be taken by the fed-

eral government. The federal government must give its full support to proposals to:

A. Increase tolls on entry to cities over bridges and through tunnels;

B. Restrict cars on certain main streets of the city, and in all downtown areas; and

C. Attempt to make bus travel more desirable by featuring exclusive bus lanes on express and highways.

5. The funds of the Highway Trust Fund must be equitably distributed, and redirected into a general transportation fund.

PROTECTING OUR COASTAL RESOURCES

(By Jonathan Shenker)

I. Sewage:

A. Legislation requiring secondary treatment; and

B. Federal aid for planning, financing, and construction of secondary treatment plants.

II. Industrial pollution—

A. Rewrite Federal Refuse Act of 1899, providing for larger fines.

B. Oil companies:

1. restrictions on drilling sites;

2. rewrite Water Quality Improvement Act of 1970, providing for larger fines; and

3. set up a government agency dealing with oil spills:

a. regional emergency centers;

b. research methods to control oil spills; and

c. be able to use volunteer civilian and military groups to clean up spills.

III. Prohibit land-fill and dredging, except in special cases.

IV. Shipping—

A. Commercial shipping:

1. improve enforcement of laws prohibiting pumping bilges and dumping wastes near shore; and

2. prosecute offenders under updated version of Federal Refuse Act of 1899 (see II A, above).

B. Pleasure boating:

1. require pollution controls on new marine engines; and

2. marine toilets—

a. require holding tanks on all marine toilets;

b. require inexpensive pumping stations at marinas; and

c. insure that sewage receives secondary treatment ashore.

## REVIEWS OF MAJOR NEW BOOKS ON HEALTH CARE

Mr. KENNEDY. Mr. President, the last 5 years have seen scores of books printed on the subject of America's health care system. They are filled with suggestions for reforming our system. I would like to bring to my colleagues' attention two excellent articles reviewing some of the many books written about our health care system.

Mr. John Lear's article, "Peace, Health and the Doctor," appears in the April 17, 1970, issue of the Saturday Review. Mr. Lear reviews "The Quality of Mercy," by Dr. Selig Greenberg, and "The Gerber Report," by Dr. Alex Gerber. A major area emphasized by these two books is the doctor shortage in America. The United States imports about 1,700 foreign-trained physicians every year. Roughly 14 percent of our present medical manpower is foreign-trained. We undermine our reputation abroad by importing physicians whose presence is essential to adequate health care in their native countries. If we need solid evidence of the dreadful consequences caused by our failure to set meaningful priorities in our health care system, "The Gerber Report" and "The Quality of Mercy" supply many of the facts.

Another important article by Mr. Michael Michaelson entitled, "The Coming Medical War," appears in the July 1 issue of the New York Review of Books. Mr. Michaelson reviews nine books on our health system, with special emphasis on the attitudes of physicians toward themselves and the patient, and the attempts of the American medical profession to meet the current crises in health care and education.

The books under review reveal much about modern medicine. Many of the health care problems that face us today are caused by the neglect of doctors, patients, consumers, and citizens. All of us have contributed to the crisis by what we have not done to guarantee adequate health care. Hospitals and insurance rates continue to rise, doctors become harder to find, hospitals needlessly duplicate expensive equipment, and many operations are performed which are not necessary. American citizens have taken health care for granted—until they become sick and cannot find a doctor. Or, if a patient does manage to find a doctor, he soon realizes that his insurance does not cover everything.

Mr. Michaelson's article focuses on the current debate over medical care in America. "What is good medicine? Who defines it? Will patients, consumers, and citizens make decisions about health and doctors?" Health care is becoming a community problem which deals with nonmedical questions of administration and technology. Who should have the responsibility for planning efficient hospital and doctor distribution? Who will set priorities for medical research and education? How can our health care system be managed by an effective budget to control rising costs? What guarantee exists that health care will not become an extravagant luxury, instead of a right for every citizen? These questions concern and affect every American citizen—doctor, patient, consumer. They are questions that must also be directed to entire communities, because they will need community help to solve.

I believe that the two reviews, "Peace, Health and the Doctor" and "The Coming Medical War," add many insights to our present health care system. I ask unanimous consent that they be printed in the RECORD.

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

[From Saturday Review, Apr. 17, 1971]

PEACE, HEALTH, AND THE DOCTOR

(By John Lear)

One of our greatest prides as Americans is our peace-loving nature. The Indochina war has been corroding it for many of us, but we have reassured ourselves that the stain on our conscience will wash away with the withdrawal of our troops from Vietnam. Now, however, a question about the persistency of our peaceable spirit arises from a source distant from the fighting in the Oriental jungle:

Why, if our commitment to peaceable pursuits is not experiencing serious dilution, is the recovery rate from war casualties one of the few examples we have of excellent medical care in this country? Why, to be more explicit, is our outstanding record in military medicine so grossly mismatched by our standing in civilian medicine? Why, while we sedulously (and properly) guard the health of our fighting men, do twenty-one other countries have a higher male life expectancy than we do, and why is our infant mortality rate higher than the rate in thirteen other nations, all poorer in terms of money than we are?

The challenge lies in the text of two new books on the art of human healing: *The Quality of Mercy*, by Selig Greenberg, a New England medical journalist, and *The Gerber Report*, named for its author, Dr. Alex Gerber, a California physician and a fellow of the American College of Surgeons. Back-to-back with the above question is a related one that Greenberg simply suggests by quoting Dr. Colin MacLeod, the Commonwealth Fund's vice president for medical affairs: "We should be exporting physicians . . . if we wish to hold up our heads before the world."

What bearing has the export of physicians on our ability to face other peoples with equanimity? It is directly related to our claim to be lovers of peace and to prefer contending with communism on peaceful ground rather than on the battlefield. Dr. Gerber translates the message into nondiplomatic English:

Though the Soviet [Union's] population is only 17 per cent larger than ours, their medical schools turn out 350 per cent more graduates. The vast training program makes it possible for the Soviets to build and staff hospitals in North Vietnam, Nepal, Burma, Algeria, Ghana, Yemen, and other underdeveloped countries. The number of doctors that the Soviet Union exports annually to emergent countries is reported to be about 2,000. It would take the output of twenty-five average-sized American medical schools to match that number.

Those who are familiar with the tremendous impact that has been made in foreign lands by a single American private effort, the hospital ship *Hope*, can appreciate the effect that this much greater Soviet foreign medical aid is having, not only in improving the health of backward people, but in establishing a humanitarian image for the Soviet Union. Some may argue that Soviet medicine is inferior to ours, but that is an irrelevant quibble. Her physicians look good indeed compared to the witch doctors of Africa and the herb dispensers of Asia.

There is ample documentation in both *The Quality of Mercy* and *The Gerber Report* to establish the fact that our medical support for the spread of Russian influence is not only passive but active. We have contributed to the image of magnanimous communism by helping to create the need the communists are filling abroad. The United States imports about 1,700 foreign-trained physicians every year. They now make up roughly 14 per cent of our available medical manpower, fill almost 30 per cent of our hospital internships and residencies, and account for one in every five doctors licensed in this country annually. The nations from which most of them come are belatedly taking steps to keep them at home. India, for example, now requires all physicians who leave its borders to put up a substantial cash guarantee of their return. Haiti's dictator, François Duvalier, keeps diplomas of all Haitian medical school graduates locked up to deprive any escapee of the professional credentials he would need to get a job elsewhere.

Our practice is "immoral—the height of cynicism," Dr. Gerber says. But, he adds: "If it dries up, this source of medical manpower will have a catastrophic effect on many of our hospitals, especially in the East and Midwest. . . . What would it do to the hospitals of New Jersey, where 87 per cent of all interns and 78 per cent of all residents are foreign-born!"

Should we lack solid evidence of the dreadful consequences of our failure to set mean-

ingful priorities for American society, we would find it in the Gerber and Greenberg books. While we are undermining our reputation abroad by importing doctors whose presence is vital to the future of their native lands, our own medical schools are turning aside two-thirds of the young Americans who apply for training.

Why this tragic paradox? Because the American Medical Association for thirty years selfishly discouraged medical school enrollments in order to keep the number of doctors down and their incomes up. Not only Gerber and Greenberg but the writer of a third current book on medicine—Ed Cray, author of *In Failing Health* (Bobbs-Merrill)—offers detailed accounting of this incredible disservice. After the crippling effects of its policy became clear to and were protested against by everyone else, the AMA in 1966 reluctantly reversed its position. With what result? Practically none.

Here the question of the sincerity of our protestations of peaceable intent as a nation recurs. Dr. Gerber puts it well:

Under the fierce pressure [of the Second World War], medical schools worked twelve months a year rather than nine. They turned out doctors in three years instead of four, and interns served nine months instead of twelve. The doctors who were turned out under that program were, and are, good physicians. A recent study of their present performance showed that they are the equals of the four-year men who were graduated immediately before and after them.

In an article published by *Medical Economics* in 1966 (the year of the AMA turnabout) Dr. Gerber proposed that the wartime intensification of medical teaching be reinstituted to meet the peacetime crisis. The suggestion was ignored. The idea is broached again in *The Gerber Report*, where the author appends to it this comment: "I am acquainted with enough medical educators to know that many of them will resist. . . ."

That remark challenged my curiosity, and I undertook some original research to learn whether the situation holds any hope. I discovered one medical school, the one associated with the University of Tennessee, that teaches the year round. A new class is started every six months, in September and in March. Members of the class have but one brief break in study—a six-week period between the end of the junior and the beginning of the senior year. Instead of leaving the school for a vacation at that time, many students take advantage of available preceptorships to serve as clinical assistants to established physicians.

Tennessee's medical course is completed in thirty-nine months, nine months less than the time students spend in other medical schools. Since the usual Tennessee class has about 100 students, the total output of the school in four years, allowing for attrition and assorted unexpectables, runs between 700 and 800 new doctors. Only unusually big schools like the University of Michigan can match that contribution.

Tennessee got some unexpected attention when the George Washington University Medical School in Washington, D.C., adopted the Tennessee method. Since then at least three years have been spent in execution of the George Washington plan. The entire medical curriculum has been revamped, new buildings have been erected to contain the reorganized classes, and actual enrollment under the intensified teaching system will begin in the fall of 1972.

Big George Washington's frank imitation of little Tennessee caught the eyes of medical education monitors in the United States Department of Health, Education, and Welfare. HEW thereafter began watching Tennessee's performance more closely. A year or so ago, the Bureau of Health Manpower Education in the National Institutes of Health issued a grant to the Stanford Research Institute in California to cover a socioeconomic analysis of the quality and cost of the Tennessee teaching scheme. Two Stanford staffers, psychologist Carl Rittenhouse and economist Sam Weiner, were assigned to make the study. They are now on the point of turning in these findings:

The bill for putting a medical student through Tennessee is about 20 per cent less than the bills at other medical schools.

Tennessee alumni are competent practitioners in their respective fields.

Tennessee graduates qualify in disproportionately large numbers for internships in the better hospitals.

Tennessee students like the Tennessee system because it gets them out into clinical practice sooner.

Tennessee's faculty members complain that they must work harder than their peers at other schools, but they do not make that a major issue because the professors enjoy additional compensation for the added teaching hours and have freedom to do research.

Is there any good reason why the Tennessee system of teaching medicine should not be adopted across the country? I asked psychologist Rittenhouse. Personally, he saw none. But he cautioned that there are many medical men who doubt that the pool of qualified talent is large enough to feed such an accelerated learning mill. Four sentences from *The Gerber Report* recalled themselves at that point:

These dissenters must face the stark alternative. Tens of millions . . . receive little or no medical care or are ministered to by practitioners far inferior to those who would be turned out by an expanded program. These [millions of] people simply will not continue to accept so inferior a status. Either we devise means to give everyone adequate health services as a fundamental right, or involuntary methods will be devised for us.

It is entirely accurate to say, as Dr. Gerber does, that the doctor shortage must be ended before anything else of significance can be done to clean up the prevailing mess in American medicine. If the medical schools need more money to speed matriculations, we could do worse than take it from the rapidly proliferating grants that are now financing biomedical research. Researchers already scent the possibility of such an eventuality and are voicing their anguish loudly. The lamentations are at best premature and at worst insupportable. Research is undeniably important to modern medicine and should be encouraged as amply as the public pocketbook allows. But if a choice must be made between research and teaching under prevailing crisis conditions, the decision belongs to teaching.

Those, I should specify, are strictly my own sentiments, derived as much from reading Rashi Fein and Gerald I. Weber's *Financing Medical Education* (McGraw-Hill) as from the Gerber and Greenberg books, which convey no bold prescriptions of any kind.

Although *The Gerber Report* has an appealing directness, it leaves the impression that for all his experience in the consulting office and operating room, Dr. Gerber is still unsure about appropriate remedies for current problems. Except for the necessity of filling the doctor shortage as swiftly as possible, the only certainty he expresses is the inevitability of the passing of the old-fashioned general practitioner, "the family doctor." He condemns the medical profession's failure to discipline physicians who in one way or another shortchange their patients. But he suggests no clearcut course to correct this abuse. Since the West is a full quarter century ahead of the East in experimenting with new methods of clinical care, and since Dr. Gerber himself is a "team" practitioner in the new tradition pioneered by Dr. Sidney R. Garfield with Henry J. Kaiser's blessing at Grand Coulee Dam in 1938 (Greer Williams tells this part of the story with lucid grace in the Kaiser Foundation publication *Kaiser-Permanente Health Plan—Why It Works*), I expected him to argue for team practice as a replacement for solo medical performance. He does so argue—up to a point. Beyond that point, which he does not fix in either space or time, he insists that the team concept will not work for everybody.

Greenberg's *Quality of Mercy* is hardly more decisive. It, too, bespeaks an urgent need for medical discipline that would put a sharp bite on offenders but the book offers no specifics as to the location of the teeth. Nor does the author very often become explicit about solutions for the many problems he elucidates. Nevertheless, there is a consistency about *The Quality of Mercy* that is lacking in the caustic prose of *The Gerber Report*. For example, Greenberg leaves no doubt of his conviction that some form of team practice is *the* medicine of the future. The type of team he favors is exemplified by a current experiment that the Commonwealth Fund and the Ford Foundation are supporting at Harvard. An adaptation of the Kaiser vehicle, the Harvard team is made up of specialists who together protect their patients around the clock, making house calls when indicated. The patients prepay for their care, which includes hospitalization. Since the share of the payments that goes to the hospitals is lost to the doctors, the doctors—as true disciples of private capitalistic enterprise—do their best to keep the patients out of the hospitals.

The Harvard prepay system of medical care delivery is not as good as it could be, and Harvard knows it well enough to encourage improvements elsewhere. Costs can be brought down by moving the physician team a step away from the university's medical school with its expensive teaching appurtenances. The most effective system will probably turn out to be a team comprising a spectrum of medical specialities, associated with a community hospital, which is backed up by a association with a teaching hospital.

The major obstacle to adoption of some variant of the Harvard plan lies in the fact that team practice cannot begin until a medical team is in being. The team cannot hold itself together without being paid. Adequate payment depends on assemblage of a sufficient number of prepayment patients. Usually three years are required for a profitable arrangement to work itself out. During that shakedown period operating losses must somehow be met. They somehow must be defined to fit each particular case.

At Harvard the definition is simple: philanthropic contributions from the Commonwealth Fund and the Ford Foundation. Elsewhere, the guarantor of start-up money may have to be the taxpayer.

I, for one, would willingly pay my tithe for an opportunity to participate in a system that would deliver all the benefits it seems to promise and would assure me of house calls on those rare occasions when they might be necessary. Yet I share Dr. Gerber's apprehension that the precious aura of the old doctor-patient relationship may dissipate under any attempt to transfer it from the physician himself to paramedical assistants. My experience in hospitals leads me to plead for less emphasis on the state of my individual organs and more on the understanding of me as a composite organism.

We have entered a historic debate, as Harvard Medical Dean Robert H. Ebert observes in his foreword to *The Quality of Mercy*. To prepare for your role in it I beg you not to neglect Greenberg's commentary on Dr. Jack Geiger, head of preventive medicine at Tufts University, often—and I think rightly—described as the conscience of American medicine. What Dr. Geiger has done in the ghettos

of Boston and among the poverty-ridden blacks of Mississippi is statesmanship of Nobel order. Somewhere in the maelstrom in which Dr. Geiger has immersed himself, black physicians will appear and assert themselves as representative of their people. For an appreciation of their dilemma I refer you to Dr. James L. Curtis's *Blacks, Medical Schools, and Society*, published by the University of Michigan Press.

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THE COMING MEDICAL WAR

Shaw and the Doctors: by Roger Boxill, Basic Books, 199 pp., $5.95.

The Quality of Mercy: A Report on the Critical Condition of Hospital and Medical Care in America, by Selig Greenberg, Atheneum, 385 pp., $6.95.

In Failing Health: The Medical Crisis and the A.M.A., by Ed Cray, Bobs-Merrill, 257 pp., $7.95.

Michael G. Michaelson:

RIDGEON. I think I did. It really comes to that. . . . I suppose—yes: I killed him.

JENNIFER. And you tell me that! to my face! callously! You are not afraid!

RIDGEON. I am a doctor: I have nothing to fear. George Bernard Shaw, The Doctor's Dilemma.

A Sacred Trust, by Richard Harris, Penguin, 230 pp., $1.45 (paper).

Women in Medicine: by Carol Lopate, Johns Hopkins, 204 pp., $5.95.

Negroes for Medicine: by Lee Cogan, Johns Hopkins, 71 pp., $4.95.

Medicine in the Ghetto: edited by John C. Norman, Appleton-Century-Crofts, 331 pp., $6.95.

Higher Education and the Nation's Health: Policies for Medical and Dental Education: a special report and recommendations by The Carnegie Commission on Higher Education, McGraw-Hill, 128 pp., $2.95 (paper).

The American Health Empire: Power, Profits and Politics: a Report from the Health Policy Advisory Center, prepared by Barbara and John Ehrenreich, Random House, 279 pp., $7.95; $1.95 (paper).

I

"Let us not wantonly weaken that persistent delusion," Dr. Filerin urges a colleague in *L'Amour medecin*, "which fortunately provides so many of us with our daily bread and enables us, from the money of those we put under sod, to build a noble heritage—for ourselves." Today, however, it is not Moliere, but Shaw who seems to have the squirming physician and surgeon by the collar. In the United States, where most medical practitioners are private entrepreneurs and good health is regarded as a commodity, Shaw's criticism remains fresh after half a century. "It is not the fault of our doctors that the medical service of the community, as at present provided for, is a murderous absurdity," he wrote in the Preface to *The Doctor's Dilemma*.

That any sane nation, having observed that you could provide for the supply of bread by giving bakers a pecuniary interest in baking for you, should go on to give a surgeon a pecuniary interest in cutting off your leg, is enough to make one despair of political humanity.

The medical profession, Shaw was fond of saying, "is a conspiracy to exploit popular credulity and human suffering." As medical care becomes increasingly difficult to find, to pay for, and to be reasonably satisfied with, some of his most cantankerous accusations appear very like the truth.

Shaw emerges from the pages of Roger Boxill's excellent study as an articulate and compassionate critic of the medical profession. Modern "medical sociologists" should be measured against the standard he set. "The course of Bernard Shaw's life (1856–1950) coincides with an eventful chapter in the history of medicine," Mr. Boxill writes. Shaw was a concerned witness to the unprecedented joining of medicine and science—if not in fact, at least (and most important) in the public imagination. The physiological investigations of Claude Bernard, the discoveries of Pasteur and Koch, the methods of Lister and Jenner combined during Shaw's lifetime to invest the art of medicine with the authority of the laboratory. Or so it seemed. In fact the germ theory, antisepsis, and even vaccination have done less than we had supposed to improve the health of anyone, as not only Shaw but, most recently and authoritatively, Rene Dubos has observed.[1]

But at the time, and for the first time, the traditional arrogance of doctors was said to have some basis in demonstrable truth; and there, for Shaw, lay the danger. The pretentious physician might, with the sanction of science and technology, begin to take himself seriously; and, worse, he might be taken seriously by others. When in Britain the Medical Act of 1886 created rigid licensing criteria and a consequent monopoly for the regular, "scientific" practitioners, Shaw complained:

The assumption is that the registered doctor or surgeon knows everything that is to be known and can do everything that can be done. This means that the dogmas of omniscience, omnipotence, and something very like the apostolic succession and kingship by anointment, have recovered in medicine the grip they have lost in theology and politics.

The pattern which Shaw discerned has perhaps been most fully developed in the United States. Since the turn of the century the American medical profession has enjoyed increasing affluence, the highest social status of any occupational group, and unchallenged control over not merely the social and economic conditions of its work but, as Eliot Freidson points out, its definition as well.[2] By greatly expanding the definition of "medical," the doctors have thereby significantly augmented their own status and power. And, at the same time, they have so restricted access to their domain that not only patients are disenfranchised but, ironically, most of the profession may soon be as well.

Much of this situation derives from that alliance of medicine and technology which began in Shaw's day and whose frightening consequences he foresaw. The medical profession of the United States is extraordinarily rich and its medical scientists are dominant in international research. Citizens of the United States, however, are among the least healthy people in the industrialized world.

Depressing statistics and even entire phrases are becoming familiar: fourteen nations have lower rates of infant mortality (in one Boston slum one of every nine babies dies); in the past decade health care expenditures have doubled while the life expectancy of American males has fallen from thirteenth to twenty-second place in the world; health personnel are badly distributed and in short supply. Five thousand American communities have no doctor at all; the poor and nonwhite populations are effectively denied equal access to health facilities; hospital room rates, doctors' fees, drug and laboratory costs are rising more rapidly than the cost of living; convalescent and old age homes are a disgrace; doctors refuse to make house calls; the incidence of malpractice suits is rising sharply. Patients enrolled in pre-paid medical plans are half as likely to lose an appendix or uterus or a pair of tonsils as patients consulting private practitioners.

Medicaid has failed; Medicare is inadequate; Blue Cross and private insurance premiums are going up annually; hospitals are closing their emergency rooms for lack of funds, and some are in danger of being shut down completely. Even Mr. Nixon claims it's "a massive crisis"; CBS News warns "Don't Get Sick in America"; [3] liberal hospital physicians say the AMA is to blame; urban ghetto communities which surround the hospitals say the hospitals are to blame.

A stream of books on such themes began to appear in the mid-Sixties accompanying the national debate over Medicare. Now there are even more books to accompany the news that National Health Insurance is on its way.[4] "Energetic leadership" from the "progressive" elements of the profession, we are told, together with help and ingenuity from the "private sector" and the government, will make us all better again.

In his Foreword to *The Quality of Mercy*, Dr. Robert H. Ebert, the Dean of Harvard Medical School, writes:

Mr. Greenberg provides a panoramic view of the status of health care in this country, and the reader may well be shocked by what he reads. Still he need not despair, if one reflects for a moment on the intellectual and economic resources of this nation, one cannot but agree that all of the problems catalogued by Mr. Greenberg can be resolved. . . .

And who will help to marshal these resources and direct them most effectively? That new breed of academic medical men—of which Dr. Ebert is a formidable representative. They know that change must come and are aware, Mr. Greenberg reports, that "it is not only foolhardy to try to stay the revolution but that the profession is duty-bound to provide constructive leadership in shaping its course."

To Dr. Ebert and his colleagues the prognosis seems excellent. But is it? Can we trust the doctors? "All that can be said for medical popularity," Shaw wrote in 1911, "is that until there is a practicable alternative to blind trust in the doctor, the truth about the doctor is so terrible that we dare not face it."

The books under review, taken together, reveal much about modern doctors. Indeed, they convince one that the "legacy of neglect," as Selig Greenberg calls it, is genuine and terrible. They make it clear that our present difficulties are in large measure the result of what "organized medicine" has done in the past, and of what it has not done; or, more precisely, the result of what the American people have permitted the doctors to do and permitted them not to do. These books also demonstrate—more by their very existence than by anything they explicitly state—that the apparently monolithic profession of American medicine is in fact sharply divided.

While it remains generally true, as Shaw noted, that "there would never be any public agreement among doctors if they did not agree on the main point of the doctor being always in the right," even *that* most professional of courtesies is being seriously threatened for the first time in nearly a century. American medicine is divided roughly into three factions: the politically conservative American Medical Association, representing generally the interests of the traditional, fee-for-service entrepreneur; the academic, generally "liberal," hospital- and medical-school-based practitioners, with their complicated affiliations and sources of power; and a third faction loosely defined as a "health movement" of radical professionals, consumer, community, worker, and student groups, which is beginning to emerge.

Finally, these books suggest what is perhaps most important of all: that the medical battleground is likely to be the ground of more than merely medical battles. Hospitals, clinics, and doctors' offices may become the center of a debate over critical questions about the uses of technology, the function of expertise, the rights of individuals to control their own lives and deaths, the distribution of social and political power, and the very quality of our lives and our relationships with others.

II

In eighteenth-century England the practice of medicine was divided between three

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guilds: physicians were trained in universities, practiced generally among the upper classes, and, considering themselves gentlemen and scholars, refused to work with their hands as surgeons did or to engage in the sale of drugs. Surgeons rarely held degrees, were trained (if at all) by an apprenticeship system, were addressed as Mister (as they still are in Britain), and were of lower social status than physicians. Apothecaries were likewise "unlearned," selling drugs at first and eventually prescribing them, becoming in effect general practitioners in rural areas and small towns and, in metropolitan areas, doctors to the working classes.[5]

In colonial America these distinctions were abandoned, probably owing not so much to any egalitarian ethic as to simple pragmatism and the fact that few real physicians chose to leave England. In any case, to become a doctor in the colonies one needed only to announce oneself as one. There was no dearth of willing practitioners. "Few physicians among us are eminent for their skill," one New Yorker complained in 1757. "Quacks abound like locusts in Egypt."

By no means, however, were these "quacks" less effective than academically trained physicians; and, happily, they were often less dangerous. At least during the Revolutionary period most citizens could find someone to hold their hand, catch their babies, and administer what is referred to often disdainfully in medical schools and hospitals today as T.L.C. (Tender Loving Care). In 1775 the ratio of doctors to general population was, according to one estimate, 1:600 nationally, and as high as 1:250 in some cities. It is interesting to compare these figures with those for the Watts section of Los Angeles at present (1:2,500) or even all of Los Angeles County (1:800).

As the standard of living in the colonies rose, sons of the privileged class could afford a fashionable medical education in Europe. There they received liberal instruction in the medical classics and in whatever therapeutic theory (of the many, equally invalid ones) was in favor at a particular school at a particular time. Dr. Cullen of Edinburgh, for example, a teacher who influenced generations of American physicians, regarded disease as an imbalance of "the motions of the system" involving "asthenic" and "sthenic" debility and "spasms of the extreme arteries."

Returning home, the students founded medical schools after the European model, and by the close of the eighteenth century the nation's three largest cities had university-affiliated institutions which were laboring to raise the American medical profession from what Benjamin Rush called its "slavish rank." This meant, in effect, a return to the concept of a medical elite. "Where a proper subordination is wanting," Dr. John Morgan wrote in *A Discourse upon the Institution of Medical Schools in America*, "there is a perversion of all practical knowledge. No more then is a physician obliged, from his office, to handle a knife with a surgeon, to cull herbs with the botanist . . . or to compound drugs with the apothecary."

Morgan, a founder of the University of Pennsylvania School of Medicine, pressed for a graded premedical curriculum, examinations of competence, licensing procedures for "real" physicians, medical "research," and professional control of practice. Richard Harrison Shryock has noted that Morgan "prized the social distinction then implicit in the very concept of a physician. . . . He seems to have realized that in the long run the claim of physicians to guild superiority could be best justified by expanding scientific knowledge and so widening the gap between them and the 'mere empirics.'"[6]

The primary consequence of academic medical education, however, seemed to be that it produced practitioners of vast immodesty, who eagerly followed the current practice of bleeding. Dr. Benjamin Rush, for example, a professor at Pennsylvania and a signer of the Declaration of Independence, taught his classes that all infirmity was caused by excessive, convulsive, or wrong action of the vessels, and that, therefore, there was really "only one disease in the world." To correct the tension of his patient's vessels, Rush would occasionally remove four-fifths of his patient's blood. The euphemism for this was "ehroic" treatment. Rush's somewhat intemperate bleeding and purging during the Yellow Fever epidemic of 1793 prompted a colleague to label it "one of those great discoveries which are made from time to time for the depopulation of the earth."

Five years before, a "Doctors Mob" of New York citizenry had registered its discontent with academic practitioners by attempting to lynch those engaged in human dissection. And as late as the mid-nineteenth century medical efficacy had not much improved, as even physicians themselves would occasionally acknowledge. "If the entire *Materia Medica* were thrown into the sea," Dr. Oliver Wendell Holmes remarked in 1861, "it would be all the better for mankind and all the worse for the fishes."

The American Medical Association was founded in 1847. Comprised largely of academically trained "regular" physicians, the Association was, in the words of its charter, dedicated to promoting "the science and art of medicine and the betterment of public health."[7] In fact, however, it was at least as dedicated to promoting the idea that doctors with a particular kind of education (i.e., with M.D. degrees) were better than other doctors. The physician's prestige in the latter half of the nineteenth century was conspicuously low, and competition was severe. Proprietary medical schools were common: they would admit anyone for the correct fee and, after a year more or less of occasional lectures, would certify him as a doctor.

The "poisoning and surgical butchery" of medical practitioners was denounced in the press, students were termed "coarse" and "licentious," and physicians delivered lectures with such titles as "To What Cause Are We to Attribute the Diminished Respectability of the Medical Profession in the Estimation of the American Public?" In this light it is possible to view the Association's early "reforming" efforts—to rid the profession of unorthodox healers, for example, and to protect the public from nostrum remedies—as less than wholly selfless. They may in fact be understood as part of a systematic attempt by a troubled medical elite to secure its social and economic status.

During the middle of the nineteenth century public hostility to the medical profession seems to have been common. In Jacksonian rhetoric "doctorcraft" was as anathematized as was "priestcraft." Hydropathy, homeopathy, and other sects flourished; and editors warned their readers, according to Charles E. Rosenberg, that "every American must study the laws of health and disease for himself." As the twentieth century approached, however, science began to provide the regular practitioner with the new legitimacy which Shaw recognized. The "laws of health and disease" were said now to be beyond the layman's capability. So the stage was set, at last, for the doctors' coup.

Abraham Flexner's famous 1910 *Report on Medical Education in the United States and Canada*, sponsored by the Carnegie Commission and the AMA's Council on Education, has been credited with "exposing" the proprietary medical school, forcing "quacks" from recognized practice, "rationalizing" and "standardizing" medical education, rescuing the profession from the dark pit of superstition, and raising it to the brilliant heights of science.

Important changes were in any event forthcoming early in the present century. The German model of a rigidly organized scientific medical education, with a strict curriculum and formal entrance requirements (which Johns Hopkins, founded only a few years before Flexner's report, typified in this country), was adopted and remains standard today. Accordingly, Flexner has been revered as a catalyst of medicine's great leap forward; and, to be sure, the new emphasis on laboratory science and research has had useful medical results.

But this much publicized consequence has its Shavian side. By 1930 the number of functioning medical schools in this country had dropped from over 200 (in 1900) to seventy-six. Doctors became richer, more self-important, more exclusive, and harder to find. The new medical priesthood, which for John Morgan was a dream and for Bernard Shaw a nightmare, was firmly invested at last.[8]

American medical history since the Second World War, which some of the books under review obliquely trace, suggests that the attempt to establish an ever more narrow and more influential medical elite has not been abandoned. Indeed, only now are the heirs of Dr. Morgan beginning to fight back—and in these battles all of us are engaged.

The mobilization of scientific and technological resources during World War II, including the development of large-scale medical programs for prophylaxis and treatment, stimulated unprecedented federal expenditures for medical research at the war's end.[9] Although the AMA vigorously opposed federal aid to medical education on the ground that "socialized medicine" would inevitably follow, the financing of medical-school-based research projects was apparently deemed harmless and even useful, probably because each new medical miracle could be expected to augment the status and power of the practicing physician (as well as because, one assumes, the Association's membership thought disease was bad and health was good). The effects of federal financing, however, seem not to have been wholly anticipated.

First, government support (however indirect) of medical schools and hospitals began to enable these institutions to function independently of the community-based private practitioners upon whom they had previously relied. Second, as medical science and technology grew increasingly complex, a serious "town-gown" dichotomy developed between the private practitioner and his academic colleague. A second medical establishment, in many ways more powerful than the first, began to emerge: the urban university medical center. And just as the regular physicians of 1765 and 1847 and 1910 attempted rather arbitrarily to define other practitioners as incompetent and illegitimate, so the university medical elite is attempting today to dismiss the ordinary physician as someone unable to use or understand the most advanced techniques for modern medicine, unable to deal with the problems of the "social aspects" of medicine, unable to "allocate resources" systematically, and so on. The new medical priests are more sophisticated than the old, more powerful, and they have computers.

III

Most of the books under review are best understood as expressions of the current medical war. Most are part of the offensive of the urban medical centers, which has two goals. The first, and simpler, is to blame the acknowledged crisis on "organized medicine," the American Medical Association. This dead horse is beaten at some length in *In Failing Health*, by Ed Cray. Five years ago Richard Harris did that job more effectively in *A Sacred Trust*, an account of the AMA leadership's fight to stop Medicare. That

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book remains useful and is now available in paper.

The second goal of the offensive is to identify the academic medical elite as separate from the superior to the AMA, as aware of the difficulties faced by medicine today and energetically involved in finding new solutions. On this ground *Women in Medicine, Negroes for Medicine,* and *Medicine in the Ghetto* are important primarily because they exist; they are designed to serve as evidence of liberal awareness and concern.[10] Each is the result of a conference.

Carol Lopate's book on women concludes that the "manpower" crisis in medicine might be solved by making greater use of "womanpower." But Miss Lopate hardly touches on the sexist character of American medical education and the society it "serves." Lee Cogan's book similarly avoids any real analysis of the reasons why blacks account for only 2.2 percent of American doctors. (Incidentally, blacks have always been used "for" medicine as research subjects and teaching material. Dr. Norman's book compiles the speeches delivered at a conference on "ghetto medicine," sponsored by Harvard Medical School and the Boston *Globe* and held, according to the book, in Portsmouth, New Hampshire. In fact it was held at a shore resort spa called "Wentworth-by-the-Sea," on the deck of a hotel which was a make-believe boat. Medical students invited to attend were so offended by the absence of poor people that they slept on the beach in protest.[11]

The Carnegie Commission's report, *Higher Education and the Nation's Health: Policies for Medical and Dental Education,* is a more serious matter. It is the latest in a series of attempts to provide a "new Flexner Report," something the spokesmen of the new medical elite have been advocating for years in their journals and in popular magazine articles for reasons strikingly similar to those of 1910.[12] Respect for doctors is again low as a result of widespread public dissatisfaction with medical care. Partly as a result of this dissatisfaction, non-elite physicians will be less able to resist a move by the elite to consolidate power. ("The professional associations are open to new ideas and are anxious to find better ways to provide better health care—to their great credit and to the nation's great advantage," the report notes.) Most important, the medical generals are ready ("Existing medical and dental schools are expanding. . . . The medical and dental schools have a number of remarkably able leaders").

Certainly the reasons for the Carnegie Commission's concern may be less devious than my reading of the report suggests; as they may have been in 1910: the academic medical elite may be interested not only in power and prestige but in the nation's health. That of course is the claim and doubtless many well-intentioned doctors sincerely believe it. Perhaps it is true that placing control of health facilities and resources in the hands of a narrow, powerful group of "experts" is the best way to make people healthy, although the evidence gathered in *The American Health Empire* would seem to contradict that claim. However, the university doctors and their supporters are not culpable simply because they are advocating the formation of a new elite. They are guilty of hypocrisy and manipulation precisely because they have *not* taken such a position openly.

If, as the Carnegie Commission suggests, we need "to provide more health personnel of the right kinds" and "to achieve a better geographic distribution," "to provide more appropriate training," and "to relate health care education more effectively to health care delivery," then we will also need to decide some very difficult and important questions: what is "right"? What is "more appropriate"? What is "effective"? Will the new medical elite make these decisions because it alone has the information and the expertise to do so? Modern medicine is, after all, very complicated, so complicated that the G.P. trained ten years ago can't keep up (if we are to believe the academics.)

But what *is* good medicine? Who defines it? Will patients, consumers, citizens make decisions about health and doctors? Or will such people pretend to make medical policy while in fact the medical elite makes it (as, for example, we make military policy with the help and advice of the Pentagon)? These cannot be trivial questions. But the liberal medical establishment has been unable to raise them because it has refused to acknowledge openly what it is doing. ("As to the honor and conscience of doctors," Shaw warned, "they have as much as any other class of men, no more and no less.")

So we must attempt to understand what these doctors are doing and to raise questions about their work. Selig Greenberg, a medical reporter for many years and author of the excellent *The Troubled Calling,* might have been expected to do this. But in his new book *The Quality of Mercy,* he has seen only what the doctors he interviewed intended him to see—not what hospitals really are like. Mr. Greenberg is infatuated with the academic medical profession. The university hospital has evolved, he writes, into "the nexus of medical care."

With the growing complexity of medicine and the consequent need for a concentration of specialized skills and sophisticated equipment, the hospital has increasingly become the place where the latest benefits of science can best be obtained. Here the emotion-charged struggle between life and death is a daily occurrence and new weapons of healing are forged.

This is where the exploration of the grim terrain of disease presents the great intellectual challenge and where apprentice physicians are trained to shift the balance in favor of the prolongation of life and vigor.

With equal fervor he concentrates upon Beth Israel Hospital, one of the Harvard "family," which "has a notable history of service, education, research and innovation" and which is "a germinative center of both men and ideas." The chief of surgery at Beth Israel is "a dedicated perfectionist"; the chief of psychiatry frequently voices "passionate concern" about things and is "level-headed"; and the man who edits the prestigious *New England Journal of Medicine* ("one of the brightest jewels in the diadem of Boston medicine . . . widely regarded as the best medical publication in the United States and probably in the world . . . a unique blend of passionate zeal and the cool poise of the Boston Brahmin") is "a robust, hearty, articulate and endlessly inquisitive man . . . and a prominent gastro-enterologist." There is no unfortunate portrait of an academic physician in this book.

Unfortunately, not only has Mr. Greenberg been misled, but he is also in a position to mislead others:

In the meantime a ceaseless battle against death was being waged in the medical and respiratory-surgical intensive-care units set aside for acutely ill patients requiring close monitoring of vital signs and constant care by physicians and nurses. . . . It is generally believed that use of the monitors can reduce deaths from initial heart attacks by at least half.

That statement, like many others in the book, requires closer scrutiny. The battle may be ceaseless, but it soon ends: even if a patient recovers from the "initial" heart attack (and the statistic here is questionable and offered without documentation), a second cardiac arrest often follows soon after. Those of us who have worked on an intensive care unit know how difficult it can be to "bring back" a cardiac patient two or three or four times in the course of a few days, only to "lose" him to another attack that no amount of intracardiac epinephrine and bicarbonate and chest pounding could dissuade.

The cost is $200 per day—if it can be measured in money.

Moreover, while Greenberg reports that these units are "set aside for acutely ill patients," in fact they are as often used to prolong the life of chronically ill patients in the terminal stages of their disease (as were two of the three patients Greenberg describes as being on the unit at Beth Israel). These chronic patients merely die a bit more slowly and painfully on the unit than they would elsewhere; and there is significant evidence of "ICU psychosis." Intensive, expensive care has some advantages, but many fewer than Mr. Greenberg and the doctors he spoke to would have us believe.[13]

Mr. Greenberg refers to "the grasping self-interest of the medical profession"—the other medical profession, that is:

For purely selfish reasons, the AMA for more than 30 years sedulously fostered a shortage of doctors through its monopolistic stranglehold on the standards and admissions procedures of the nation's medical schools. . . .

Largely because of such a "strangehold," the book suggests, in cities like Boston there is now "the gross divergence between the bright technological potential and the grim reality" in medical care. We do not learn why the guilt is not shared by the "brilliant activists in important positions in the medical schools and teaching hospitals" who have never served the urban—generally ghetto—communities that are literally at their doorsteps. Nor are we told that the staffs of such hospitals have physically ejected black and poor people from their emergency rooms. We learn merely that these "activists" have "innovative ideas" and are "glimmers of hope in the ferment."

Where precisely is the academic medical elite headed? What will happen when the "bright technological potential" is realized? First, Greenberg says, the doctors will have to stay in control because "much of this research is far too arcane for the untutored layman even to attempt to understand." "But," he adds, "all of it is aimed at alleviating pain and warding off premature death." This is not true. There is little current medical research of which the essentials cannot be understood by anyone capable of reading *Scientific American.* Much of this research is aimed more at alleviating pressures to publish and rise in the profession than at alleviating pain.

Second, we learn that in the new and more "rational" health care delivery system, "The proper role for the great medical center . . . is to serve as the pinnacle of the pyramid . . . a sort of umbrella under which all the other parts function." At the pinnacle, the university physician will "act as captain of the health team while aides working under his supervision assume some of the duties he is now performing." It becomes clear that to Greenberg and to the leaders of the profession the primary obligation of the patient will be to recognize his own inadequacy and to follow, as always, the doctor's orders.

Here the Orwellian implications of the plan become clear. "Much of the pleading for a resuscitation of general practice," Mr. Greenberg tells us, speaking for the doctors, "is little more than a nostalgic harking back to the legendary old doc of yesteryear." But that day "is gone forever," and our hopes are a product of "our atavistic longing for personal attention," a failure to recognize that "the pressures for change are relentless, and doctors as well as patients will eventually have to bow to them."

. . . now there are diagnostic procedures which can penetrate the core of the body's

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processes and yield evidence that makes the patient's feelings superfluous. . . . Patients will have to be educated to a more realistic perception of quality.

"What's the good of free choice to a patient who is unable to make the proper choice?" a prominent medical spokesman wants to know. If ICU nurses become depressed over a dying patient being kept temporarily (and sometimes unwillingly) alive by machines, a staff psychiatrist can be "called in to give them an opportunity to talk out their pity and concern." If patients feel neglected in the modern hospital, that is simply because, Mr. Greenberg assures us, "The patient often regresses to an infantile, egocentric dependence in which he tends to invest his doctor with omniscient ability and at the same time to fret that he is not getting enough attention." In other words, stop complaining! As one doctor put it, "Which would you rather have—warm compassionate care to usher you into the next world or cool scientific care to pull you back into this one?"

The difficulty is that "scientific care" may pull very few people back into this world for long, and can pull no one back permanently. Here a distinction should be drawn between certain advances—antibiotics, insulin, diuretics, and some others—which by no means need to be administered impersonally, and care which is more detached and machinelike by its very nature. In fact, a great deal of expensive, "cool" medical technology causes as much suffering as it prevents, kills or hurts as many people as it "saves."

Heart transplantation, which costs some $40,000 per patient, is a case in point. In a period of two years since the first operation, over 150 transplants were performed: 80 percent of the patients died within four months; the rest lived limited, uncomfortable, fearful lives; and, in view of the imprecision of diagnostic techniques, it is likely that many of these patients would have lived longer with no operation at all, lived in less agony and with less expense to their families and society.

Mr. Greenberg and his academic sources admit as much, but they fail to admit that a similar, if less immediately apparent, case can be made against the efficacy and humanity of many of the most widely publicized medical "advances" upon which their claims of superiority rest: intensive care units, hyperbaric chambers, expensive diagnostic, surgical, and laboratory procedures (some of them unnecessarily painful), esoteric and useless research. There is the serious question, too, of priorities. Even if hyperbaric chambers were of great therapeutic value, which is doubtful, they are still of limited utility and immensely expensive. A chamber costs about three-quarters of a million dollars and some $600,000 each year to operate. In its five years of operation the unit at Mt. Sinai Hospital in New York, according to the authors of *The American Health Empire,* has been used for fewer than 900 patients.

For the same amount of money, the hospital might have handled 20,000 outpatient visits each year, or set up a vast screening program in East Harlem to detect lead poisoning and anemia in children. But such equipment is fashionable and modern, and a "good" hospital must have it if it is to keep up with the others. Doctors have, according to Shaw, "an intense dread of doing anything that everybody else does not do, or omitting to do anything that everybody else does." So, apparently, do hospitals.

Of course, some of the new medical machines and procedures can help some patients if they are humanely used and if the public has an equitable chance to be treated by them. To criticize the excesses of the medical technocracy is not to deny the real achievements of the profession, or the potential of serious medical research. Certainly doctors will always need to be competent diagnosticians and skilled therapists. But they will also need to be concerned with the quality of their patients' lives as well as their length, with the patient as a person and even a friend, as well as an intriguing collection of organs.

The management of a problem like juvenile diabetes, for example, requires less erudition about metabolism than social and psychological sensitivity. To know the protein structure of insulin may be useful, but to know intimately the child's family situation, to be aware of and able to ameliorate feelings of guilt and dependency and fear, may be crucial. The rise of the medical elite, which denigrates the experience of the patient in the way Greenberg describes, distorts the very nature of healing.

IV

*The American Health Empire: Power, Profits and Politics,* a report from the Health Policy Advisory Center (Health-PAC) in New York City, is the most solid criticism of American health care now available. It may make its readers feel terrible, which is right, because that is how it feels to be a patient, an orderly or technician, a nurse, and even a doctor these days. The "diagnosis" which the authors supply is not of the familiar health care crisis which Mr. Cray and even the AMA are now at last discovering, but of the very solutions which the sophisticated medical experts have begun noisily to offer.

Health-PAC is a research and action collective in New York City which grew out of the Institute for Policy Studies in Washington, D.C., and which for over two years has conducted inquiries into municipal and national health care policies.[14] This book is a selection from the monthly Health-PAC bulletins in a revised and readable form. The authors present the problem of health care as follows:

Traditionally, liberals have explained that America is not a healthy place to live, in either a medical or a social sense, simply because health and other social services are low priority items in a nation whose resources are committed to military and economic expansion. "If we could only spend the money we spend in Vietnam the money we spend in Vietnam on hospitals, housing, schools . . ." goes the refrain.

So we have reasoned. But on looking closer, we began to understand that national priorities are only part of the problem, perhaps the more manageable part. Billions of dollars could be diverted from America's aggressive, defensive, and interplanetary enterprises with no appreciable effect on the quality of health care. For even within the institutions that make up America's health system—hospitals, doctors, medical schools, drug companies—health care does not take the top priority. *Health is no more a priority of the American health industry than safe, cheap, efficient, pollution-free transportation is a priority of the American automobile industry.* [italics added]

The victims, then, are not just the poor, the blacks, the Puerto Ricans, who cannot afford to buy what the health industry is selling, but also all the millions of middle-class and working-class people who try to extract health services from the health industry.

Health-PAC's description of New York City wholly undermines Mr. Greenberg's description of Boston. "Increasingly," the authors note, "control of health resources and facilities has become centralized in a few towering medical-school-linked systems. . . . At least two million New Yorkers are wholly dependent, and another four million partially dependent, on these medical empires for their health and strength." The authors then show that "the private, university-connected empires have failed to deliver in all areas of promised performance." Not only do they contend that there has been demonstrable malfeasance involving large sums of federal, state, and municipal funds, but that "in many cases, the narrow research, teaching, and profit priorities of the private empires have actually led to worsened conditions in the public hospitals, greater fragmentation, dehumanization, and neglect of basic health services."

These are strong accusations indeed, and they are supported by ample documentation in the text. (Neither footnotes nor bibliography nor index are supplied, however; these are serious omissions, not because the authors' statistics are questionable but because the sources used here might provoke further investigations.) The authors expose Medicare and Medicaid, each of the current proposals for National Health Insurance, the Blue Cross Associations, the federal Regional Medical Programs, and Comprehensive Health Planning legislation as constituting "openhanded public subsidy of the unregulated health system [which] is not only wasteful, but leaves permanent distortions." And on the evidence of the New York experience they conclude that the medical elite's current attempt to secure control of American health care is based upon "the philosophy guiding the American effort in Vietnam: if something was a mistake in the past, it deserves another try, but on a much bigger scale." This seems an appropriate comment on the hope Mr. Greenberg saw glimmering in Boston.

A chapter of *The American Health Empire* provides a documented description of the vastly expanding and almost completely unregulated health industries: the pharmaceutical and hospital supplies firms, proprietary nursing homes, and the growing medical technology business. The authors note, "Trustees and upper-level staff of medical schools and hospitals are always welcome on the boards and top staffs of health industry firms and vice versa," and conclude that "the consumer can expect no mercy from the new Medical-Industrial Complex."

But I think the analysis of this alliance, which Shaw was able to foresee, is not carried as far as it can go. If, as it has done in the past, the medical elite continues to rely upon its technological expertise as an excuse for consolidating its power and for continually narrowing and elevating its ranks, the stage will soon be set for a new and unprecedented coup: the technocrats will assume unchallenged control of American medical practice. Our doctors will be computers. This is not humorously intended.

In *Medicines for Man,*[15] Harry F. Dowling, a knowledgeable physician, documents the American pharmaceutical industry's remarkable, almost dictatorial, power over the prescribing habits of physicians as well as its exorbitant profit structure.[16] In the Health-PAC book we are reminded not only that (in the words of one trade journal) "Medicare is the computer manufacturer's friend" but that, because physicians are ill-equipped to evaluate new medical machines, they are willing to buy almost anything; the flashier it looks and sounds, the better. ("As a matter of fact," Shaw said "the rank and file of doctors are no more scientific than their tailors.") In *The Quality of Mercy,* Dr. Howard L. Bleich, a young researcher, "provides a glimpse into the future of medicine as he communed with a small computer console, no bigger than an electric typewriter." Dr. Bleich entered information about the patient, but neglected to enter the patient's weight.

The computer promptly called attention to this omission. After the weight was given, it printed out its evaluation of the patient's acid-base disorder along with the recom-

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mended therapy, the appropriate drug dosage and two references to the literature bearing on the condition. It also politely thanked Dr. Bleich "for referring this interesting patient to us."

To the old arrogance of doctors, then, has been added the arrogance of machines, of technology, of the corporate and governmental forces which control them, which increasingly control the doctors, and indeed all of us. The relationship between doctor and patient is very old, and was considered a "sacred trust" centuries before the AMA thought to insist that its sanctity depended upon the exchange of money. But where is sanctity in an era of medical systems analysis? If we want to touch and be touched by another person when we are sick or hurt or dying are we being immature? Should we "talk it out" with a psychiatrist? with a computer? (They can be programmed now to say "I see" and "Tell me more" and prescribe Librium in a lifelike voice.) If we have difficulty accepting doctors' assurances that we 'need not despair," are we guilty, as Selig Greenberg suggests, of trusting our superfluous feelings, of failing to bow to the relentless pressure for change?

I think the Health-PAC analysis is not clear enough on this point. It rightly criticizes the academic medical leaders for subordinating the health needs of people to narrow research, "education," and institutional priorities. The authors speak (as even the "liberals" now do) of the "ironic" contrast "between the promise of biomedical technology and the tawdry reality of medical care." They recall the liberal vows (in the case of the Regional Medical Program, for example) that "medical excellence" would be decentralized from the current handful of major medical centers to a whole network of little pockets of excellence, all under the general guidance of the medical centers." And, finally, they document the miserable failure of the medical elite to deliver on its promises.

The argument seems to run as follows: the "liberal" answer has not worked; therefore it will not work; and it cannot work, because the liberal doctors and their new corporate colleagues are not interested in making it work; they have other priorities. Therefore "profits must be phased out, for they have no place in an enterprise in which human life is at stake. A publicly accountable system must replace private enterprise in providing all health care and health products."

That conclusion is inescapable. But the medical elite will insist that their "solutions" have not been given enough of a chance; that more money should be allocated for them; that the people then will be served. The Health-PAC position would be enhanced, I think, if it argued that even if the new doctors *could*, at great expense, fulfill their promises, the consequences would be disastrous; that what is considered "medical excellence" is, for the most part, not excellent at all; that the new medical priesthood, by the nature of its increasing dependence upon a complex technology it neither fully understands nor wholly controls, *cannot* have truly human priorities.

The dilemma of Shaw's Dr. Ridgeon was whether he ought to use his cure for tuberculosis to "save" Jennifer's husband, a brilliant young artist whom he detested and of whom he was jealous, or to "save" someone else and let the young man die. He chooses the latter and, in the final scene, presents himself to the widow, certain she will now become his wife. Jennifer has, however, remarried. "Oh, doctor, doctor!" she exclaims. "Sir Patrick is right; you do think you are a little god. How can you be so silly?" And all along, to be sure, Ridgeon's "opsonin" was no cure for tuberculosis at all.

Were Shaw alive today, he would probably understand that the modern medical scientist works not merely for fame and money and power but because he believes that if cancer and heart disease are "conquered" the pain of being alive and mortal will be lessened, the potential for being human will be enlarged. Clearly this is what Shaw hoped for too, but he hoped differently. "Please do not class me," he wrote, as one who doesn't believe in doctors." One of our most pressing social needs is a national staff of doctors whom we can believe in, and whose prosperity shall depend not on the nation's sickness but on its health.

But Shaw's faith was less in science and machines than—as simple as it seems—in people living together more sensibly. This is how the health movement's struggle for the community control of health institutions, described briefly at the end of *The American Health Empire* and now intensifying throughout the country, must be understood. "The social solution of the medical problem," Shaw insisted, "depends on that large, slowly advancing, pettishly resisted integration of society called generally Socialism."

And it was not the doctors, Shaw believed—as arrogant as they might be—who would make the decisions, but the patients themselves and the communities the doctors serve. Shaw hoped that we would learn to insist on certain things: on nationalizing the medical profession, on taking the profits out of dealing in people's health and pain. What was needed in his view was "not really medicine or operations, but *money* . . . better food and better clothes . . . well-ventilated and well-drained houses." "Otherwise," he wrote in the final sentence of the Preface on Doctors, "you will be what most people are at present: an unsound citizen of an unsound nation, without sense enough to be ashamed or unhappy about it."

We might remember Shaw as the medical war intensifies and more people become angry. Precisely because American medicine is in such a mess it presents unique opportunities. The rise of the new medical elite, ominous as it is, is only a relatively recent development. The technocrats may have less of a foothold in the medical system than in any other aspect of our society; by a concerted effort, they may still be stopped. In addition, although the Health-PAC people assert that "the age of the guild-dominated, individual medical craftsman is over" and although AMA membership is rapidly declining, the victory of the medical elite has not been assured.[17]

It is at least possible that the community practitioners may begin to understand that whatever remains sacred in medical practice cannot be preserved by clinging to the idea of fee-for-service, but that it may indeed be saved by alining with the movement to provide medical care in thousands of small community free clinics. The fact is that free clinics are springing up across the country (there are an estimated 200 functioning now or in preparation). The struggle for community control of health facilities is gathering momentum. Workers and patients and students and professionals are beginning to work for the first time as colleagues.[18]

More than the war in Indochina, the military, even the schools, the issue of better and more democratic health care may provide a focus for constructive political action. In the past few years and even months the health movement has grown impressively. Several new chapters of the Medical Committee for Human Rights have been founded (there are now about forty) and the organization is increasingly finding a national voice; meanwhile its local affiliates staff free clinics, perform draft physicals, arrange abortions, provide medical care at antiwar demonstrations, collect medical supplies and literature for North Vietnam, organize within the military itself and in prisons. (Jane Kennedy, a nurse and past national vice-chairwoman of MCHR, remains in the Detroit House of Correction for her part in a raid on the Dow Chemical Research Center in Midland, Michigan, on November 6, 1969, during which magnetic tapes containing critical information about napalm were erased; Dow now produces antihistamines and other pharmaceuticals.)[19]

The Health-PAC collective is now at work on a documentary history of the movement, and similar groups are active in other large cities, such as the Health Information Project in Philadelphia and the Northwestern Health Collective in Chicago. Women, who constitute the majority of both health care "consumers" and workers, but who are especially victimized by the current system, are beginning to press for changes. (Pregnancy and childbirth are now treated by male doctors as routine diseases; the medical hierarchy is exclusively male-dominated; many hysterectomies and even mastectomies are performed without sound medical reasons; labor is too often induced, especially in the case of poor and black women, by oxytocin—an unsafe procedure when unnecessarily done—so that the woman will deliver at the doctor's convenience.) Doctors are resisting the draft which takes them away from patients and from seriously understaffed hospitals. Not only ghetto organizers such as the Black Panthers and the Young Lords, but, increasingly, middle-class church and community groups are becoming interested in the idea of neighborhood clinics.

At the same time, hospital and insurance rates continue to rise, doctors become even harder to find. The air grows more difficult to breathe. The brains of black babies are poisoned by paint. The war for a decent chance to live a healthy life has started too late; but there are signs, at least, that it has started.

FOOTNOTES

[1] Dubo's *The Mirage of Health: Utopias, Progress, and Biological Change* was first published in 1959, and remains an important book. It is available in a new paperback edition (Harper & Row, $1.25).

[2] *Profession of Medicine: A Study of the Sociology of Applied Knowledge*, Dodd, Mead, 409 pp., $12.50. This is a new, interesting book which is partly a provocative study, partly a depressing reminder of the sorry state of medical sociology; I shall discuss it in a future essay.

[3] Daniel Schorr, *Don't Get Sick in America*, Aurora, 224 pp., $5.95.

[4] Of the earlier group, Roul Tunley, *The American Health Scandal*, Harper and Row, 282 pp., $5.95 (1966). Selig Greenberg, *The Troubled Calling*, Macmillan, 398 pp., $6.95 (1965), and Richard Harris, *A Sacred Trust*, now reprinted, are the best.

[5] For this section I have relied primarily upon Richard Harrison Shryock, *Medicine and Society in America: 1660–1860*, Cornell, 182 pp., $1.75 (paper), as well as a collection of that author's essays, *Medicine in America*, Johns Hopkins, 346 pp., $7.50, and on Charles E. Rosenberg, *The Cholera Years*, Chicago, 257 pp., $2.95 (paper), 1962. These are excellent medical and social histories (Professor Rosenberg's reads like Hofstadter at his best). But most medical history has been written from the top, emphasizing the glory of various physicians and surgeons and their discoveries, and has had very little to say about the critical social aspects of medical practice as it was experienced by the American people (on this point see Rosenberg, "The Medical Profession, Medical Practice and the History of Medicine," in Edward Clarke, ed., *Methods in the History of Medicine*, University of London, 1970, pp. 22–35.)

[6] The growth of the academic medical elite in this country did provide an important link with European medical circles. Beginning with the study of pathologic anatomy in Paris

during the nineteenth century, European physicians were largely responsible for working out the mechanistic view of the human body which prevails today and which has been in many respects fruitful (though in many ways dangerous too). For the purpose of this essay I have emphasized the generally neglected social and political consequences of the rise of a medical elite in this country.

[7] See James G. Burrow, *A.M.A.: Voice of American Medicine*, Johns Hopkins, 430 pp., $12.00 (1963).

[8] See Julius B. Richmond, *Currents in American Medicine*, Harvard, 138 pp., $5.50 (1969), and John H. Knowles, ed., *The Teaching Hospital: Evolution and Contemporary Issues*, Harvard, 152 pp., $4.50 (1969).

[9] More details are available in Richmond, *Currents in American Medicine*.

[10] John Kosa, Aaron Antonvsky and Irving Kenneth Zola, *Poverty and Health: A Sociological Analysis*, Harvard, 447 pp., $12.50 (1970), is a more accomplished example of this sort of book. I have examined it, along with Dr. Richmond's book, in "The Failure of American Medicine," *The American Scholar*, Autumn, 1970.

[11] A firsthand report of this tragicomic conference is available in *Health Rights News*, a publication of the Medical Committee for Human Rights, November, 1969.

[12] Dr. Alex Gerber (*The Gerber Report*, McKay, 242 pp., $6.95.) obviously intends, at least with his title, to fill this gap. He seems most concerned that Russia exports more physicians than we do and so is sneakily winning the cold war. He reduces the diverse and important radical health movement to "medical students going through the wards of municipal hospitals wearing turtleneck sweaters and dangling peace medallions in the faces of sick old ladies." The initials M.D., F.A.C.S. (Fellow of the American College of Surgeons) appear after his name on the jacket in large yellow block letters. I hope someone is suitably impressed.

[13] In addition to exaggerating the efficiency of the new medical practitioner and his complex tools, the academics are conspicuously unfair to their colleagues outside the university hospitals. "There is evidence to suggest," according to one physician cited by Greenberg, "that the actual medical performance of a significant number of American physicians is, within a few years of their departure from medical school and postgraduate training, grossly unscientific and dangerously close to ineptitude and incompetence."

[14] Contributing to this book were: Robb Burlage, Barbara and John Ehrenreich, Oliver Fein, Maxine Kenny, Mills Matheson, Phil Wolfson, Leslie Cagan, Vicki Cooper, Ruth Glick, Kenneth Kimerling, Howard Levy.

[15] Harry F. Dowling, *Medicines for Man*, Knopf, 347 pp. $7.95.

[16] The pharmaceutical industry boasts of ratios of net income/sales and of net income/invested capital which are roughly twice as great as the national industrial median. The companies collectively spend nearly a billion dollars for promotional purposes, more than $3,000 per year on every doctor in the country. About half goes for printed journal ads and circulars (notoriously misleading, discriminatory, or blatantly false), more than a third for "detail men" assigned to push drugs to individual physicians on a personal basis (according to the maxim, as a former Squibb physician has testified, "If you can't convince them, confuse them.")

It is in this sphere that the tactless waxes almost comic. In a single year one general practitioner was assaulted by 3,636 advertisements and samples promoting 604 "different" drugs. New physicians, their prescribing habits still up for grabs, are courted with a special fervor: students and practitioners have been treated to free instruments and leather bags, records, movies, books, drugs (no hallucinogens, to date), cocktail parties, steak and lobster dinners, fishing contests, bowling tournaments, golf lessons, and golf balls stamped with the names of the doctor and of the company in contrasting colors.

[17] Voluntary membership in the AMA is now under 50 percent of practicing physicians nationally, but the organization remains rather more strong than the Health-PAC book suggests. There can be no doubt that the medical elite in New York City is more advanced than it is in other cities.

[18] There is a partial listing of national free clinics in the January-February *Health Rights News*. Copies are available at request from HRN, 1613 E. 53rd Street, Chicago, Illinois 60615. The cost of a single issue is fifty cents; a one year subscription is three dollars.

[19] While in prison, Jane has worked actively to improve health conditions. One of her most recent campaigns was to improve dental treatment in the jail. According to her warden, interviewed in the Chicago *Sun-Times:* "She keeps telling everybody she's a political prisoner. I've been in prison work more than forty years and I've never seen anything like her. Every time she's told to do something, she has to ask why. . . . She started a lot of trouble about the dentist we have here. She said the prisoners didn't like the dentist and wanted a new one. It was her idea they had a right to pick their own dentist because he was working on their teeth. Well, that's none of their business. We pick the dentist we want."

## DUES FOR U.S. MEMBERSHIP IN INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. TOWER. Mr. President, I am very pleased that I have the opportunity to cosponsor S. 2109, a bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

Our financial contributions to Interpol in the form of dues will now be $49,000 a year, an increase of slightly more than $10,000 a year. Unlike some international organizations, the financial support of Interpol is broadly shared by all the countries which are members. For example, the contributions of the United States will amount to approximately 6 percent of the organization's operating budget.

Although Interpol is not an enforcement body nor an investigating body, it does perform a vital function by collecting, collating, storing, and disseminating information on known international criminals. This information is essential for effective international law enforcement.

Interpol is international in every sense of the word. Its very existence is dependent on the cooperation of the national policies of the participating nations. Interpol has prompted this cooperation by restricting itself to very practical and productive activities concerning the exchange of information.

We have recently addressed ourselves to the problem of drug abuse. The majority of these illegal narcotic drugs are smuggled into the United States from foreign countries. One of our greatest aids in combating the drug traffic is the information and assistance that we receive from Interpol. Our participation in Interpol and its special narcotics division, and our utilization of its services, can be a vital part of a comprehensive and effective effort to control the problem of drug abuse.

## OVERRIDE OF PUBLIC WORKS BILL VETO

Mr. HUMPHREY. Mr. President, the President's veto of the Public Works Acceleration Act demonstrates a basic lack of understanding of the critical need of millions of Americans for jobs and for the provision of basic public services.

The passage of this vital legislation marked a decisive action by Congress to substantially expand job opportunities at the same time that cities and towns across the Nation are being enabled to provide critically needed sewer and water systems, hospitals, road systems, parks and recreation areas, and undertake other public projects essential to revitalizing the economy.

I find President Nixon's action incomprehensible in the face of a fantastic backlog of 8,704 applications for public works projects that would be eligible for immediate help under this bill.

His veto of this measure is unnecessary and insensitive to the need of well over 5 million people in our country for jobs.

I find this abuse of the veto power to be a direct affront to some 15 million citizens in the States of the Appalachia region, for this bill also would have extended the Economic Development and Appalachian Regional Development Acts.

Under these laws, extensive areas of our Nation which once knew only the misery and despair of poverty have experienced the influx of thousands upon thousands of new job opportunities, the construction of health centers and schools and decent housing, the building of roads and essential public facilities, and above, all, the restoration of hope and self-respect in countless families.

The $5.5 billion Public Works Acceleration Act can have an immediate positive impact upon our faltering national economy. It can direct Federal assistance into the hardest hit sections of the labor market.

The President has failed to recognize that this act could and should be one part of a comprehensive program to restore our national economy.

Instead, his veto message sets this measure over against the Emergency Employment Act, on which action has just been completed by Congress.

Reversing his earlier position, he now regards this legislation to create 200,000 new job opportunities in the public sector as "sound" and "responsible" and as meeting the test of "providing jobs when they are needed, where they are needed, for the persons who most need them."

Do not our construction workers, confronting an unemployment rate of 11.2 percent, need jobs in public works construction?

Do not our communities across the Nation, facing a critical need to repair and update their public facilities, require help now—today?

Is it not responsible to continue vital programs for the development of the most depressed areas of our Nation?

Beyond giving answers to these questions, the President must realize that action must be taken immediately on several fronts to get this country moving again. That is why both the public works acceleration and the public service employment bills must be signed into law.

That is why our people should be helped to meet the high cost of living through the acceleration of scheduled individual income tax relief measures, the increase of Social Security payments, the enactment of a national health insurance program, and the passage of legislation to raise the minimum wage without delay.

That is why action must be taken on legislation to assist returning veterans and professional and skilled workers who cannot find work, and to provide full Federal financing for the extended unemployment insurance program.

And that is why I have introduced the National Domestic Development Bank Act, to provide a major new source of capital funds and technical assistance for cities and towns across America to undertake a wide range of desperately needed public projects and to provide needed jobs.

These are but examples of the all-out attack that must be launched on many fronts to strengthen our faltering economy, and to give our people that vital sense of hope, of security and confidence, and of self-respect.

I urge the Senate to vote to override the President's veto of the Accelerated Public Works Act. By this decisive action, the will of the people of the Nation can be firmly established, and this administration will be placed on notice that action must now take the place of words.

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## U.S. TRADE POLICY—ADDRESS BY JOSEPH S. WRIGHT

Mr. FANNIN. Mr. President, one of the outstanding men in our Nation with practical experience and deep understanding of the problems of international trade is Joseph S. Wright, chairman of the board of Zenith Radio Corp.

In a speech on June 16, 1971, at the first annual appliance suppliers exhibit and conference, Mr. Wright pointed out that the terms "free trade" and "protectionism" stir the emotions rather than the mind.

Mr. Wright then presented a very fine survey of some of the key problems facing American businessmen who find the deck stacked against them in international trade and on the home front.

He makes some very interesting observations, including:

If the Japanese market were open as is the case in this country, television receivers could be manufactured in the United States and successfully sold in Japan at competitive prices.

In dealing with Japanese competition or in seeking to penetrate the Japanese market, one is immediately struck by the great difficulty in discerning where Japanese business ends and the government begins.

I am quite pleased that Mr. Wright endorses my bill, S. 1476, as an equitable remedy to at least some of our foreign trade problems.

I ask unanimous consent that the text of Mr. Wright's speech be printed in the RECORD so that Senators may share this very lucid and practical examination of this most urgent problem.

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

### U.S. TRADE POLICY—ARE THE ONLY ALTERNATIVES FREE TRADE AND PROTECTIONISM?

#### INTRODUCTION

When it comes to U.S. foreign trade policy, the statements you most frequently see in the press and other media deal with the subject in terms such as "free trade" and "protectionism"—terms which are intended to stimulate the emotions rather than the mind. Perhaps there is a third term such as "fair reciprocal trade" encompassing rational thought, reciprocity and just plain fairness which may serve to avoid the emotional aspects of the controversy.

The U.S. has been for many years a world leader in efforts to achieve reciprocal trade between the developed nations, with a minimum of commercial burdens by way of tariffs, commercial red tape and all the other non-tariff barriers to trade. We are signatories to the General Agreement on Tariffs and Trade, commonly known as GATT, and proudly boast of having taken the leadership over the past 20 odd years in reducing our own tariffs and other trade barriers into the U.S. purportedly receiving reciprocal undertakings on the part of the other great trading nations.

The current GATT agreements provide, for instance, that most U.S. tariffs on consumer electronic products have been reduced from 20 odd percent just a few years ago to 6% currently and next year to 5%. We have purportedly secured as a consideration of these reductions in tariffs corresponding reductions on tariffs for import of U.S. electronic products into highly developed industrial countries such as Japan. Unfortunately we seem to have a peculiar American tendency to wind up with the short end in negotiating international trade agreements. The fact is that while our GATT arrangements have opened up the U.S. markets to imports on a large scale, we are still left with systematic discrimination against American consumer products throughout most of the world, with tariffs and a whole host of non-tariff barriers which prevent any effective U.S. export competition.

#### THE CONDITION OF OUR INDUSTRY

The consumer electronics products industry has for all of its existence been one of the most highly competitive, efficient and innovative industries in our country. It has made our mass communications the best in the world. Long before there was any competition from foreign imports, our industry invariably passed on to the public in the form of lower prices and better products, the full benefit of our growing technology and productivity.

Television receiver production has always been so extremely competitive that the mortality rate of the companies in the business has been very high. Many great names in our industry just in the past 15 years have found the going so tough they got out of the business—Capehart, CBS, Dumont, Hotpoint, Stromberg-Carlson, Westinghouse, Webcor to name just a few.

In the late 1950's, millions of low-priced Japanese transistor radios poured into the United States. By 1960, 55 percent of all portable radios sold in the United States were of Asiatic origin. By 1968, this figure rose to almost 95 percent and has remained at almost that level through the first quarter of 1971. For total radios, including portables but excluding automobile radios, imports accounted for approximately 91 percent of the market in 1970 and we estimate that the U.S. will produce less than 5 percent of the whole U.S. home radio market of about 40 million sets in 1971. Except for certain specialty types, the manufacture in the United States of radios was made economically impossible within ten years of the invasion by the Japanese.

I would like to turn now to television. In 1962, imports from Japan were 2.4 percent of the total black-and-white television market of 6 million 609 thousand units. In 1970, imports had risen to 51 percent of the total U.S. market of 7 million 47 thousand black-and-white units. In just eight years, imports increased their share of the U.S. market by over 20 times in a black-and-white television receiver market which continues to be of great importance. While 90 percent or more of the imported receivers since 1960 originated in Japan, in recent years black-and-white television receivers are begining to be imported in quantity from Taiwan, Mexico, and other countries, as American manufacturers have sought to compete with the Japanese.

In the area of color television, imports from Japan in 1965 were only 2.6 percent of the total color market of 2 million 649 thousand units. In 1970, imports held almost 18 percent of the total U.S. market of 5 million 219 thousand color units. This increase of market share of seven times in a short span of five years has brought us to the point that in 1970, one out of every six color television sets sold in the total U.S. market—a market which doubled between 1965 and 1970—was imported.

Obviously, this continuously increasing flood of imports has had an extremely adverse effect on our balance of trade. In 1969, the balance of trade in consumer electronic products was a negative 890 million dollars, and in 1970 the deficit rose to over 1 billion 75 million dollars. Actually, the deficit is even greater since the value of imports is understated. Imports are valued f.o.b. country of origin and do not include freight, duty and insurance. In 1970 the U.S. consumer electronics market reached 4 billion 69 million dollars and, even on an understated dollar basis, imports captured over one-fourth of the total U.S. market.

Why our government insists on reporting our trade balances on the basis of f.o.b. values of imports I do not know. As Senator Fannin recently pointed out, this practice, along with inclusion of government financed exports, is used to create the false impression that everything is rosy. It results in our showing a $13 billion trade surplus from 1966 to 1970, when in fact we really had a $16 billion deficit if you deduct government financed exports and add 10% to imports to approximate this landed cost. This is another glaring example of how our government has deluded itself about our trade problems.

Since the beginning of the Japanese invasion into the U.S. consumer electronics market, many American manufacturers, fighting to survive, were forced by this competition first to purchase components from Japanese sources and, when this measure proved insufficient, to make or procure their sets in Japan, Hong Kong, Taiwan, and now Mexico. An alarming movement of American plants to Asia has taken place. Hong Kong, Taiwan and Mexico, providing incentives including cheap labor, have become the new sites of many former American based factories. This trend for survival by moving American plants out of our country is continuing at an alarming rate. Lacking some change in our government's trade policy, which change should include the effective enforcement of *all* applicable existing laws, more and more of our productive facilities for serving the U.S. market will have to be located in foreign countries and our current

understated trade balance deficit in consumer electronics will increase from $1 billion plus to between 3½ and 4 billion dollars by 1976.

JAPAN'S CLOSED MARKET

In order to support her invasion of the U.S. TV set market with the use of extremely low pricing policies, Japan has maintained a closed market to imports of television products and has fixed and kept domestic prices at artificially high levels. With a closed domestic market, insulated against foreign competition, domestic prices can be easily fixed at a high figure. It has been reported that the Fair Trade Commission in Japan recently found six of the larger Japanese TV set makers guilty of fixing retail prices in Japan and that decision coupled with the TV dumping case here in the United States appears to have the Japanese consumer quite upset for he has realized that he has been subdizing exports to the U.S. by paying higher than necessary purchase prices, as well as higher taxes to support Government subsidies.

If the Japanese market were open as is the case in this country, television receivers could be manufactured in the United States and successfully sold in Japan at competitive prices. The Japanese Electronics Industry Association admits that large screen TV receivers made in the U.S. could be delivered to a Japanese importer for a total cost of about $449 even prior to the April tariff reductions. Similar large screen Japanese sets have carried list prices of from $1,200 to $1,600 in Japan. A similar large screen Zenith set with an advanced premium Chromacolor tube carries a suggested retail price of $579.95 in the U.S. A U.S. factory worker in Chicago making $3 an hour must work 193 hours to buy our large screen color set (forgetting about taxes for the moment) while a Japanese factory worker in Japan making 73 cents an hour (excluding his bonus and benefits) must work 1,860 hours, or almost ten times as long, to buy the Japanese set.

It would, therefore, appear that Japan would be a great place for U.S. TV manufacturers to sell sets, but even with the recently lowered tariffs a whole host of barriers still prevent American entry into the Japanese market. Our attempt to enter the market of several years ago was blocked. A recent market study indicates that, while some of the barriers to our entry have theoretically eased somewhat, there are still clear-cut obstacles. Japanese government regulations still block free entry of necessary repair parts, and the Japanese are notorious for applying what they call "administrative guidance" to influence sales outlets in their handling of imported goods.

Along the lines of the disparity in wage rates in the two countries, the monetary crisis that has shaken everyone so in the past few weeks puts in focus the fact that we established the relationship of 360 to 1 between the Yen and the Dollar some time after World War II when Japan was devastated as an industrial nation. I assume that the ratio was arrived at by some sort of determination of the relative positions of Japan and the United States in the world economy. I question seriously now whether this arbitrary exchange rate has any aspect of reality under present conditions. As I previously mentioned, the average Japanese worker gets 73 cents or approximately 260 Yen per hour in the Japanese electronics industry and comparable workers in our own plants get 300 cents per hour. Each of these workers has the ability to maintain a home and to live rather well in the economy of his own country. While the Japanese worker may not have as many automobiles or television receivers as his American counterpart, this can be attributed as much as anything to the fact that such products in Japan are very high priced because of a closed market, price fixing, and government protection of the industry. The Japanese worker does save some 17 percent of his wages and our average savings rate is now less than 8 percent.

It is only the arbitrary exchange rate of 360 to 1 which makes the Japanese worker receive 73 cents an hour in our money as against the more than $3.00 per hour of his American counterpart.

Now I know that our government is never going to get the Japanese to agree willingly to modify this exchange rate to more nearly reflect the circumstances of the workers in the two countries, because this would make it more difficult for the Japanese to sell in the United States and easier for us to sell in Japan. Nevertheless, I can think of many worse things that could happen to us than that the forces of the market would bring the Yen to where it really should be in relation to the Dollar.

DUMPING

It has long been a well recognized principle in our law that the practice of dumping goods into the United States at prices far less than they are sold for in home or other markets is unfair and illegal. This has nothing to do with whether you are a "free trader" or "protectionist" or anything in between these polarizing terms.

The reason behind this principle is obvious. Dumping is a method of international price competition or, more properly, price discrimination between national markets which is of economic significance to both the exporting country, for example Japan, and the importing country, the U.S. Dumping is simply selling the same commodities at different prices in different markets. Dumping occurs when merchandise is imported into the U.S. and sold for less than the price for which the merchandise is sold in Japan, taking into consideration the conditions and expenses of sale. It is an undesirable method of competition because the resulting cheapness is not due to basic superiority in production efficiency in Japan.

While I won't go into the details of the dumping law here, I am sure it is clear that with a close domestic TV market in Japan, dumping TV sets into the U.S. is an easy task since domestic prices fixed at a high figure help support dumped prices here in the U.S. Following a lengthy investigation, the Secretary of the Treasury announced on December 4, 1970 his determination that television receivers imported from Japan were being, or were likely to be, sold in the United States at less than fair value as compared to sales made in Japan. The U.S. Tariff Commission then, in accordance with Federal antidumping law, conducted an investigation to determine whether "an industry in the United States has been or is likely to be injured" by this unfair practice, a finding necessary, under the law, before additional duties can be imposed.

After a thorough study, the Commission on March 4, 1971 unanimously ruled that ". . . the imports of television receivers from Japan, sold at less than fair value, have adversely affected the prices of comparable domestically produced receivers in the U.S. and have caused substantial loss of sales by U.S. producers." In order to correct this unfair practice, all shipments of color television receivers from Japan to the United States since September 1970 will now be examined by the Treasury Department to determine to what extent additional duties are required to be assessed. While the amount of these extra duties is not known due to the nature of the dumping proceedings and will probably vary from set to set, these findings should result in fairer TV set price competition by Japanese imports in the United States market. While Secretary Rossides and his staff must receive high marks for revitalizing a long dormant antidumping activity, there must be some better mechanism for getting the facts and acting quickly. This case has been pending some 3 years and is still not finished.

SUBSIDIES

In the area of Japanese government export subsidies and incentives, there is good reason to believe that the Japanese government provides a whole host of subsidies beginning with the remission of a commodity tax and including such things as export credits at cut-rate interest, subsidization of R&D, interest-free or low interest production loans, accelerated depreciation and a variety of other tax advantages as well as insurance against loss in export. The existence of such bounties and grants thus discloses yet another factor contributing to Japan's success in the U.S. consumer electronic products market.

The U.S. has a law on its books which requires the imposition of a countervailing duty equal to any bounty or grant which a foreign government makes on export shipments to the United States. The basic purpose of the law is to equalize for American competition the disadvantages of bucking up against such subsidies.

LEGISLATION

Congress has recently been overwhelmed with proposed legislation—some backed by "protectionists," some backed by "free traders." Some of these bills provide import quotas or make it easier to put displaced workers on our relief and welfare rolls. Neither of these proposals makes much sense in a free enterprise society. Import quotas have built-in problems, and certainly our welfare program is a horrible example that should not be enlarged. What people need is jobs—not relief—and jobs are being exported in wholesale quantities throughout the entire appliance industry. Furthermore, does it make sense to add new laws when the government is so obviously reluctant to enforce the laws we have had on the books for many years?

While the TV antidumping case was based upon a 1921 law, there is also another antidumping law on our books known as the Revenue Act of 1916 which has seen little use. This neglected statute, condemning price discrimination injurious to competition and providing criminal sanctions as well as civil redress, apparetnly was intended to be a part of the antitrust laws. Senator Fannin has recently introduced S. 1476 which expressly declares the 1916 Act to be one of the antitrust laws as it was intended to be. As an antitrust law, the amendment would provide the Government and injured persons with the remedy of injunctive relief, prescribe the statute of limitations to be tolled for injured persons during Government proceedings and further encourage enforcement by making available Government judgments and decrees as *prima facie* evidence in private suits.

One of the most powerful aspects of the bill relates to gathering the necessary evidence which appears to be the biggest bottleneck in enforcing antidumping laws. With the amendment, in a suit under the 1916 Act, failure to comply with requests for evidence would result in the withholding of imports alleged to be dumped until there is compliance with the court's request. The provision would certainly speed up determination of the case thereby reducing the extent of injury to American business. With these amendments to the 1916 Act, U.S. manufacturers would not have to wait for the Government to act since they would have a new, effective weapon with which to fight unfair import competition.

Certainly Senator Fannin's S. 1476 should have the support of every businessman since it is a major step in workable protection of American business from *unfair* foreign competition.

In another area, the Assistant Attorney General in charge of the Antitrust Division

has taken a peculiar and ambivalent position. For example, while he is closely watching for violations of the law by U.S. businessmen, he apparently has chosen to take no action against those who have dumped imports into the U.S. in criminal violation of Sec. 72, Title 15 of the U.S. Code which is a criminal section of the Revenue Act of 1916. The Antitrust Division, if anything, appears to be biased away from helping the U.S. businessman injured by imports for the Assistant Attorney General has gone on record in recent testimony before the United States Tariff Commission stating that in determining forces responsible for alleged injury, he is confident that in a number of cases the role of imports will be found to have been greatly exaggerated. And he has taken no apparent note that the Japanese export TV pricing and practices in the United States through their U.S. subsidiaries and agents here are probably just as collusive, anti-competitive, and illegal under our antitrust laws as the Japanese government found their domestic pricing to be under their laws.

CONCLUSION

One important task before us is to reexamine the proper relationship between government and the business community in this whole area of international business and trade practices. All of us who had any exposure to Japanese competition are immediately struck by the tremendous difference that exists between the Japanese outlook on this subject and our own. In dealing with Japanese competition or in seeking to penetrate the Japanese market, one is immediately struck by the great difficulty in discerning where Japanese business ends and the government begins. There apparently is a way by which the Japanese business community and the government arrive at some consensus of what serves best the national interests of Japan, and then both government and industry do what is necessary to carry out the program. We, on the other hand, fight among ourselves when we are not fighting with the government. I am sure many of us in the business community feel that our government people who deal with high level negotiations on trade matters are thinking almost wholly of political and diplomatic considerations and have no real understanding of or interest in the practical day-by-day problems of business. This is not a one-way street and our government people probably feel that the business community is preoccupied with its problems and not sufficiently interested in the political and diplomatic headaches. Somehow we should find a better mechanism for insuring that trade problems have a higher priority in high level government policy.

It is interesting as background to the Japanese government-industrial combination, which has been called Japan, Inc., that in the beginning of industrial development in Japan in many cases it was the government itself which commenced business enterprises as government functions and they were later turned over to private companies formed for that purpose. It has been suggested that this serves to explain what still remains as a very close working relationship between Japanese business and government. I am very happy to see some signs lately that our own government and business community is concerned about more effective cooperation in the area of our common national interests and I am glad to see that the President has initiated a number of steps to explore how this can be improved, including the appointment of Pete Peterson of Bell and Howell.

This brings me to a related subject. The Japanese are great pragmatists and they have an exceptional ability quickly to adapt their course of action to the realities of the situation. Despite the fact that there has been a great outcry by the Japanese on the textiles, shoes, steel and electronics issues, they have felt considerable pressure from various domestic industry sources and from their government to moderate their assaults on our market through dumping and other similar practices. But when we have widespread publicity campaigns against "protectionism" and organized efforts to stop any enactment of new laws, or against enforcing old laws, our Japanese friends are misled into thinking that American public opinion will permit them to continue dumping and similar unfair practices and that they can continue keeping a closed market to American manufactured goods with various discriminations against our products. It is not until we get sufficiently tough with them that they will realize that they are required to conduct their business practices in accordance with the rules against dumping, government subsidies and similar practices. I would like to suggest that this be carried out in the full without resort to labels as "free traders" or "protectionists" and that we really get down to the basic facts of what our trading policies ought to be.

As an absolute minimum we should insist that the highly developed nations who take advantage of our very liberal trade policy accord us complete reciprocity.

There was a recent joke in Europe to the effect that in January scientists in the United States announced a new fundamental invention; in February the Russians announced that they had invented it ten years before; and in March the Japanese commenced large scale commercial shipments of the device into the United States. Somehow that doesn't seem as funny to me now as it did when I first heard it.

Traditionally, the United States has opened its doors to the trade of the world. We have a challenge in our industries and in our government to be as hard-nosed and practical in dealing with our trade problems as our trading partners have been. If we do that and insist that trade with our trading partners be put on a reciprocal, rational and fair basis, then our industries with their tremendous resources of engineering and technology, of production and of marketing know-how will compete effectively both here and abroad, and despite the very obvious advantages that are inherent in such factors as the much lower wage levels of the Far East.

## THE 1971 CATALOG OF FEDERAL DOMESTIC ASSISTANCE

Mr. ROTH. Mr. President, the Office of Management and Budget recently issued the 1971 "Catalog of Federal Domestic Assistance Programs." This 914 page publication provides a complete listing of all known Federal domestic aid programs. According to this compilation, there are now 1,049.

This is the first catalog of Federal programs issued by the Office of Management and Budget. Until July 1, 1970, the function has been performed by the Office of Economic Opportunity. The purpose of this catalog is to provide potential program beneficiaries with information including the location, purpose, and requirements of aid programs, ostensibly the same purpose as legislation I have introduced, the Program Information Act, S. 718. The catalog also enhances coordination within the Federal Government at a time when we are working for increased efficiency in our federal system.

I am concerned that we in the Congress have not been doing enough to reduce the size of this catalog. We need to do more things in the way of grant consolidation and funding simplification to decrease the amount of overlapping and duplication of Federal activity. While the President's proposals for reorganization of the executive branch and for special revenue sharing would aid in providing a more manageable Federal assistance system, there will still continue to be many of the same problems that I have talked about here and in the other body with the excessive number of Federal programs calculated to achieve similar ends. I will, however, leave expansion of this thought to another day.

As I have constantly said when I first began the quest for a catalog of this sort, that once the operation got under way, those performing the task would constantly improve it. Like its predecessors, the 1971 catalog has improved upon the previous version. For example, the catalog provides a new category in related programs; a new index category entitled "Program Numbers and Titles by Agency"; improved financial information; and, improved descriptions of the various programs. The catalog is now in a hardcovered, looseleaf form and generally more readable.

I view the inclusion of related program information as an important step forward. This information category was part of my 1969 study of operating Federal programs. This is also one of the information categories which Midwest Research Institute in its 1967 study, "Federal Aid Program Information: A Survey of Local Government Needs," denominated as essential for any catalog of Federal programs. The institute noted:

> Under present conditions it is difficult for local officials, particularly in new problem areas, to learn about the alternative aid channels which may be open to them in dealing with a specific local problem. Because so many assistance programs are now underway, local officials can't be sure that they have looked at all the options.

The financial information included, although improved, still falls short of the standards set out in the Program Information Act. Section 6(3) of that bill would require the catalog to include "financial information, including current authorizations and appropriations funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent information."

This year's catalog does not include incurred obligations or unobligated balances because, according to OMB officials, the present accounting system is incapable of supplying that information on a program-by-program basis. S. 718 will require the executive branch to work toward the inclusion of the type of program financial information needed by those seeking Federal assistance.

The status of program funding is, however, an important aspect of this catalog. I believe that it is imperative that this type of information be conveyed to those using the catalog. To illustrate the need for this type of information, the 1967 study by the Midwest Research Institute survey pointed out the second most important program information element is the status of program funding. The first is anticipated application processing

time, which the OMB catalog appears to provide.

I can state confidently that this information is critical, partially because of the recent experience of two small Delaware communities. They had applied on their own for assistance under the standard urban renewal program administered by the Department of Housing and Urban Development. However, the communities were told by the Department officials that there were no funds available for the present fiscal year for that program and that there would be no funds provided for the program in fiscal year 1972. Thus, they have been advised to file another application under another program. In effect, all their investment of time and money was wasted. Since this type of information should be generally dispersed, those preparing the catalog should take special note of this need and devise some mechanism to fill it.

The 1971 "Catalog of Federal Domestic Assistance" is an important addition to the information now available on the activities of the Federal Government. It is a useful source of pertinent information on most Federal domestic activities and thus becomes an important source of information for those seeking Federal assistance or information on Federal activities. It is available to everyone from the Government Printing Office at a cost of $7.25.

## RESOLUTIONS OF THE 1971 ANNUAL MEETING OF THE U.S. CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on June 14, 1971, I addressed the 1971 Annual Conference of Mayors in Philadelphia. This was the 38th annual meeting of the conference. More than 600 officials of the Nation's cities of 30,000 population and over gathered in Philadelphia to discuss the common concerns and aspirations of their cities. This was like a family reunion for me, for as the mayor of Minneapolis 25 years ago, I was an active participant in the conference and, of course, I have kept in close touch with the organization during my career here in the Senate and as Vice President of the United States.

These mayors do not pose as experts on the great national and world issues, but they do know how these issues and problems have impact on their cities and their communities. They see first hand the effects of war, economic recession, unemployment, and all of the great problems facing our Nation.

The Conference of Mayors also passed a number of resolutions on conversion and priorities, national growth, revenue sharing, welfare reform, and other topics.

I believe that these resolutions merit the attention of my colleagues. I ask unanimous consent that these resolutions be printed in the RECORD.

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

RESOLUTIONS ADOPTED AT ANNUAL MEETING OF U.S. CONFERENCE OF MAYORS, PHILADELPHIA, JUNE 16, 1971

1. NATIONAL COMMISSION ON CONVERSION AND PRIORITIES

Whereas, present national policies are not such as to meet the promise of the Constitution to insure domestic tranquility and promote the general welfare; and

Whereas, the general economic situation has substantially deteriorated over the past eighteen months with a record level of unemployment and degree of inflation; and

Whereas, the nation's mayors have repeatedly called for an examination and reordering of our national priorities so as to meet the urgent needs of our urban communities by using funds from programs which prudently can be deferred—such as programs in space, military, agriculture, highway construction, and research in these areas, and also that funds can be reclaimed from the elimination of waste in spending and by reform of the tax structure; and

Whereas, the United States Conference of Mayors at its 1969 and 1970 Annual Conferences called on the President to give leadership in this matter and pledged its support to the President, his Cabinet and the Congress in achieving the reordering of priorities,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Congress to immediately establish a "National Commission on Conversion and Priorities," and to vest this Commission with responsibility for developing a plan which will reallocate national resources to insure the domestic tranquility of this nation and mount domestic programs on a scale equal to the dimensions of the nation's problems; and

Be it further resolved that the Congress provide that membership on such Commission be made up of governmental officials, governors of states, mayors of cities and federal officers, in addition to representatives of the academic community, labor, minority groups and business sectors of our economy; and

Be it further resolved that the President be requested to issue a report within 180 days on whether he will accept or reject its findings.

2. REVENUE SHARING

Whereas, a substantial number of our cities are facing a fiscal crisis which virtually threatens their very existence as viable governing entities; and

Whereas, the demands upon cities for public services have multiplied in recent years and will continue to grow at a rapid pace; and

Whereas, the ability of cities to raise adequate revenues to meet this demand is gravely handicapped by virtue of their reliance on the property tax; and

Whereas, the property tax is inelastic, regressive and already overburdened and the only major source of revenue available to most cities; and

Whereas, while categorical grants-in-aid provide funding for capital improvement, cities are without adequate sources of revenue for operating expenses; and

Whereas, revenue sharing is a matter of basic and lasting relevance to the future viability of our federal system of government; and

Whereas, further delay by Congress only compounds the crisis in the cities,

Now, therefore, be it resolved that the United States Conference of Mayors calls on Congress to enact, with all deliberate speed, a general revenue sharing bill which provides at least $10 billion, the minimum amount needed to save our cities.

NOTE—Proposed Resolution No. 3 (on general and special revenue sharing) was tabled by the Philadelphia Resolutions Committee.

4. BICENTENNIAL

Whereas, the Congress of the United States in 1966 created a Commission, the American Revolution Bicentennial Commission, to plan, encourage, develop and coordinate all commemorative aspects for the 200th anniversary of the nation in 1976; and

Whereas, the Congress of the United States, and both Presidents Lyndon B. Johnson and Richard M. Nixon have charged the Commission with the responsibility of making the Bicentennial national in scope, by providing opportunities for participation on the part of all Americans, transcending through every level of Government; and

Whereas, the President, in discussing the concept of a Bicentennial Era, beginning in 1970 and continuing through 1976, the focal year, stated, "We want this celebration to be national. It must go directly to the people and derive its strength from the people. And we want people all over this land to sense the greatness of this moment, to participate in it, and help us all to discover what that national spirit is."; and

Whereas, the President and the Commission have endorsed a community goals-setting program as a call for achievement from coast-to-coast and border-to-border within the nation under the concept of "Horizons '76" to urge the people to survey the conditions of their communities, to determine their goals and priorities for achieving and answering the challenge that confronts cities and communities across the land; and

Whereas, Philadelphia, the site of the 38th Conference of Mayors, has been selected by the President as the focal point for an international exposition of an inspirational and cultural nature,

Now, therefore, be it resolved, that this United States Conference of Mayors endorses the goals and concepts of the American Revolution Bicentennial Commission, and especially the community goals-setting program, as a worthwhile and meritorious aspiration for improving the quality of life within the American community throughout the period of the next five years, known as the Bicentennial Era; and

Be it further resolved, that the Mayors here assembled shall join the United States Congress and the President in encouraging the goals of the Bicentennial Commission to commemorate the anniversary of this great nation and honor the challenges of the day and rekindling the spirit of '76 by asking the people of each community to answer the call for achievement and to join in a national spirit of improvement, redevelopment and local planning.

Be it further resolved, that the Mayors of the Cities of the United States lend their support to the planning and execution of an outstanding international exposition in Philadelphia in 1976.

NOTE.—Proposed Resolution No. 5 (on flying the flag twenty-four hours each day) was referred by the Philadelphia Resolutions Committee to the Conference Staff for further study.

6. NATIONAL GROWTH POLICY

Whereas, the Housing and Urban Development Act of 1970 mandated the establishment of a National Urban Growth Policy; and

Whereas, the United States Conference of Mayors has strongly supported the development of a National Growth Policy; and

Whereas, the Domestic Affairs Council has, unfortunately, failed to demonstrate a sense of urgency in complying with Congress' mandate; and

Whereas, in the absence of a National Growth Policy, the Congress and the Administration are now considering several pieces of legislation that would have significant impact on national growth; and

Whereas, such legislation tends to perpetuate the patchwork character already widespread among Federal programs and the irrelevant criteria based upon distinctions of size and proximity to metropolitan areas.

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the President and the Domestic Council to begin immediately to develop recommendations for a National Growth Policy; and

Be it further resolved that such a National Growth Policy should encourage a balanced population among cities, suburbs, and nonmetropolitan areas, with assurances of full economic, political, social, and environmental opportunity; and

Be it further resolved that such policy have as a specific goal the revitalization of existing neighborhoods and communities regardless of size or location through direct federal assistance to local units of government; and

Be it further resolved that the Conference urges Congress to consider all legislative proposals involving national growth questions in light of the objectives of Title VII of the Housing and Urban Development Act of 1970; and that Congress refrain from enacting piecemeal growth legislation until the Administration has submitted its report.

7. MODEL CITIES PROGRAM

Whereas, the Model Cities Program was initiated as a collaborative effort of Federal, State, and local governments to deal with the most pressing human and physical facilities needs facing the nation; and

Whereas, the planning and administrative machinery for this program has been created and is now operational; and

Whereas, the hopes and expectations of affected citizens have been raised through extensive participation in the development of the program; and

Whereas, the gap between promises made in governmental programs and performances of these programs is a continuing and growing problem for all levels of government; and

Whereas, the Executive Branch of the National Government through a series of recent legislative proposals, Executive Branch reorganization, etc., has left in serious question its commitment to this program,

Now therefore be it resolved that the U.S. Conference of Mayors urges that the Model Cities Program be maintained in its present form and not be absorbed into the Administration's proposed Community Development legislation, so that an orderly continuation of this demonstration effort might be carried out to its completion; and

Be it further resolved that the Conference calls on the Congress to approve full funding of the five-year action programs in each of the Model Cities.

8. ECONOMIC OPPORTUNITY AND DEVELOPMENT

Whereas, according to the Census Bureau there were 25.5 million poor persons in our nation in 1970, representing a rise of 1.2 million over 1969; and

Whereas, the increase of five per cent in one year follows a period in which the number of the nation's poor decreased by an average of five per cent a year; and

Whereas, the overwhelming increase in poverty families was accounted for by those residing in urban America; and

Whereas, the United States Conference of Mayors has for years called on the Administration and the Congress and all levels of government to launch an all-out attack to eradicate poverty; and

Whereas, the eradication of poverty from among our midst can only be accomplished with an attack on the multiple causes of poverty with a national commitment commensurate with the problem; and

Whereas, through the procedure of direct Federal grants providing local initiative funds to localities has been helpful in tailoring local programs to meet local needs and poverty at the local level; and

Whereas, funds and services are scarce in the cities, and there should be no increase in the local share of antipoverty programs, causing further hardship,

Now, therefore, be it resolved that the United States Conference of Mayors expresses its concern to the Congress and the Administration over the recent sharp increase in the number of the nation's poor by insisting that the elimination of poverty be given top priority to insure that vast human resources will not be lost, that the nation's poor may develop their talent and enjoy the benefits that this nation offers; and

Be it further resolved that the Congress and the Administration extend the antipoverty program, double the funding for local initiative programs and increase the funding for other local antipoverty programs now operating in our cities; and

Be it further resolved that once the Congress authorizes and appropriates antipoverty funds, the Conference urges the President to use his office to make certain that the Office of Management and Budget releases these funds so vital to providing for the disadvantaged within our cities; and

Be it further resolved that in view of the financial crisis and shortage of services in the cities, the Conference urges the Congress to reduce the local funding share now required in local antipoverty programs.

9. SUMMER YOUTH PROGRAM

Whereas, each summer brings an increasing need for employment and recreational opportunities for our nation's youth; and

Whereas, the present high rate of unemployment representing over five million Americans, including returning Vietnam veterans and older people seeking employment, coupled with the scarcity of jobs now present in the private sector, indicates stiff competition for those few jobs available, and indeed, an overall bleak picture of employment opportunity to the thousands of disadvantaged youths now residing in cities throughout our nation; and

Whereas, the non-profit sector, both public and private, particularly including local government, can offer meaningful employment and recreational opportunities which will contribute to the individual youth and the community at large; and

Whereas, for the summer of 1971 the number of summer Neighborhood Youth Corps jobs that the cities can effectively utilize is 641,639; and

Whereas, these jobs should be full opportunity summer jobs, a ten-week period at $1.60 per hour or $480 per individual; and

Whereas, despite the cities' demonstrated ability to effectively use 641,639 NYC slots, costing $308.6 million, the Administration is currently planning to provide $164 million for summer 1972; and

Whereas, administrative funds provided with current Neighborhood Youth Corps funds enable local sponsors to hire only one supervisor for every 150 enrollees, a clearly inadequate number of supervisors; and

Whereas, summer youth programs have for the past several years been funded on an emergency basis with inadequate dollars, little planning and at the last minute.

Now, therefore, be it resolved that the United States Conference of Mayors urges the Administration to begin now to develop plans for the summer of 1972 for the purpose of assuring the youth of American cities that their employment opportunities will not be deficient, as is the case for the coming summer; and

Be it further resolved that the Administration place top priority on this area of neglect and place competent staff at the federal level to make certain that the funds available arrive in ample time for orderly planning; and

Be it further resolved that the Conference urges the Administration to carefully survey the employment needs of youth within our cities and request adequate funds to fill this void so critical to the well-being of our youth and our cities; and

Be it further resolved that the federal government provide additional funds so that local governments might hire sufficient supervisory personnel so that the enrollees and the community might receive the maximum benefit from the program; and

Be it further resolved that the Conference urge the Congress to appropriate funds above the Administration request, if necessary, to assure that this critical need be met; and

Be it further resolved that the President instruct the Secretaries of Housing and Urban Development and Interior to make available all possible discretionary funds available for open space and outdoor recreation for purposes of enlarging recreation opportunities for youth for this and future summers; and

Be it further resolved that the Conference urges the President to act now by instructing the Director of the Office of Management and Budget to release immediately all funds appropriated by Congress for the specific purpose of hiring the disadvantaged youth now seeking employment in our nation's cities.

10. AEROSPACE TECHNOLOGY AND URBAN PROBLEMS

Whereas, antiquated technology and management systems have failed to provide adequate responses to the critical problems of housing, transportation, crime, health, and environmental control that plague our cities; and

Whereas, it has been demonstrated that the applications of aerospace technology to solve some of these problems have been successful; and

Whereas, shifts in defense and aerospace requirements have created a pool of trained and experienced manpower who possess the technical skills suited to solving the problems facing our cities; and

Whereas, the United States Department of Labor and the United States Department of Housing and Urban Development have requested the United States Conference of Mayors, in cooperation with the National League of Cities, to undertake a pilot program designed to develop jobs and to place many of these skilled personnel in local government positions.

Now, therefore, be it resolved that the United States Conference of Mayors endorses this concept of bringing to bear the technical skills of the defense and aerospace industry on solving city problems and urges all of its member cities to participate in the successful conduct of this program.

11. CHANGE IN FEDERAL FISCAL YEAR

Whereas, the fiscal year July 1–June 30 for the Federal Government has a rational history in the developing years of our nation; it has no present seasonal or economic justification; and

Whereas, a significant portion of the funds available through Federal appropriations are intergovernmental in nature—to be spent in connection with state and local funds; and

Whereas, interrelated state-local-federal expenditures require reliable fiscal year determinations; and

Whereas, since World War II the Congress of the United States has found it difficult, if not impossible, to meet the present fiscal year calendar of the Federal Government;

Whereas, inability to meet the present schedule on the part of the Congress results in gross problems of mismanagement and resource allocation by government at all levels,

Now, therefore, be it resolved that the United States Conference of Mayors urges a change in the Federal Fiscal Year to the calendar year January 1–December 31.

12. LOCAL ENCOURAGEMENT OF VETERAN TRAINING AND EDUCATION

Whereas, our entire nation has an obligation to returning veterans; and

Whereas, the Congress has enacted a G.I. Bill which provides education and training opportunities; and

Whereas, past experience indicates that many veterans who need the education and training benefits often do not avail themselves of them; and

Whereas, combining employment opportu-

nities with education and training would encourage greater utilization of education and training opportunities; and

Whereas, mayors can encourage local efforts to combine work opportunities with education and training; and

Whereas, the United States Conference of Mayors has joined with others in the Veterans Education and Training Action Committee to encourage utilization of G.I. Bill benefits

Now, therefore, be it resolved that the mayors of each member city consider the establishment of a "Jobs For Veterans Committee" within his community; that this "Jobs for Veterans Committee" cooperate with the Veterans Education and Training Action Committee.

13. JOINT CONGRESSIONAL COMMITTEE ON URBAN AFFAIRS

Whereas, the nature of our developing urban communities and the public policy considerations in connection therewith require a continuing comprehensive review; and

Whereas, the federal Congress has an important role to play in such a review and oversight function; and

Whereas, the present committee structure of the House and Senate is oriented to limited functional areas,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to establish a "Joint Committee on Urban Affairs". The Committee's purpose would be to provide a forum for the comprehensive Congressional investigation of the urban condition, to evaluate Administration urban policies and to recommend urban legislative proposals to appropriate House and Senate standing committees. The Committee would not act or pass on legislation itself, rather, its power, function and operation with respect to national urban policies would be similar to that of the Joint Economic Committee's activity with respect to national economic policies.

14. POST OFFICE PAY LOCAL TAXES

Whereas, on August 12, 1970, the President of the United States signed Public Law 91–375, the Postal Reorganization and Salary Adjustment Act; and

Whereas, said Act reorganized the Post Office Department and the postal system into a new and independent U.S. Postal Service; and

Whereas, said U.S. Postal Service was created as an independent government corporation which could hire its own top management, set rates, borrow money, and bargain collectively with its employees, and thereby re-establish the ailing postal system on an efficient, financially sound, and business-like basis.

Now, therefore, be it resolved that existing law be amended to provide that the U.S. Postal Service directly pay taxes to state and local governments, which now are forced to exempt postal property from local taxation, so that the Postal Service could thereby be really self-supporting.

15. UNDERGROUNDING OF UTILITIES

Whereas, utility lines placed above ground can severely harm the aesthetic qualities of many urban areas; and

Whereas, the technology is available to place utility lines underground without any significant harmful effect upon the quality of utility service,

Now, therefore, be it resolved that the United States Conference of Mayors urges all cities to initiate programs, in cooperation with other utility suppliers, to promote the accelerated placement of overhead utility distribution lines underground; and

Be it further resolved that the Conference urges the federal government and private industry to improve research to develop better methods of undergrounding utility lines, particularly very high voltage lines.

16. ENERGY SHORTAGE

Whereas, there is the threat of a worsening shortage of fuels, including natural gas, coal and oil, which directly affects cities in providing services for the welfare of their citizens; and

Whereas, this shortage has been accompanied by price increases of fuel; and

Whereas, there appears to exist significant corporate control over the production and processing of oil, natural gas, coal, oil shale and uranium which could lead to the reduction or elimination of price competition between various fuels, thereby raising the cost to the consumers,

Now, therefore, be it resolved by the U.S. Conference of Mayors that the President and the Congress take all measures necessary to assure the nation of an adequate fuel supply in future years by prosecuting all violations of existing antitrust laws, limiting the export of coal and relaxing as necessary restrictions on the import of oil and all domestic oil reserves, including an Alaskan pipeline, be developed and furthered with all due dispatch; and

Be it further resolved that the United States Conference of Mayors join the National League of Cities to establish an "Energy Task Force" to extensively study the issues as they affect cities.

17. IMPOUNDED FUNDS AND NEED FOR FULL FUNDING

Whereas, the Congress has responded to the needs of the nation's cities by making available certain funds for a number of important urban programs, such as urban renewal, water and sewer, public housing and mass transit; and

Whereas, the President's action in impounding nearly $800 million in funds for these four programs for fiscal year 1971 has had disastrous consequences for the viability of the programs nationwide; and

Whereas, the President has indicated his intention to impound over $200 million in available contract authority for the public housing program in fiscal year 1972; and

Whereas, the United States Conference of Mayors has repeatedly called upon the President to release these vital funds; and

Whereas, the President has refused to request, and the Congress has failed to enact, appropriations for the full authorizations available for a wide range of other critical urban programs,

Whereas, the Redevelopment Agency and the Housing Authority of the City and County of San Francisco, by filing appropriate class action in law and in equity, have raised the serious questions of the constitutionality of Presidential impounding of appropriated funds and line item veto; and

Whereas, existing contract obligations to various cities and Federal agencies are based upon reliance on funding as determined solely by action of the United States Congress,

Now, therefore, be it resolved that the United States Conference of Mayors again calls upon the President to respond to the urgent needs of our cities by releasing the impounded urban funds; and

Be it further resolved that the Conference calls upon the President to request and the Congress to approve full funding for the many critically important urban programs; and

Be it further resolved that the Conference endorses in principle the issues raised by class action brought by the Redevelopment Agency and the Housing Authority of the City and County of San Francisco, and recommends to redevelopment agencies and housing authorities throughout the nation that they investigate the feasibility, where appropriate, of joining in the said class action as co-plaintiffs.

18. PUBLIC TRANSPORTATION FUNDING

Whereas, many cities must undertake costly programs to upgrade the facilities and operations of their public transportation systems; and

Whereas, rapid increases in operating costs for publicly-owned mass transportation systems and the financial crisis of the cities are causing great difficulties in maintaining necessary levels of public transportation service; and

Whereas, Congress has recognized the need for major improvement in local public transportation systems by adopting the 1970 Urban Mass Transportation Act, granting the federal government authority to obligate up to $3.1 billion for assistance to local public transportation systems; and

Whereas, despite the hopes of cities that a large portion of this $3.1 billion would be immediately available for grants, Congress has imposed a ceiling of $600 million on obligations which can be made in fiscal year 1971, and the Administration has indicated that it plans to obligate only $400 million in fiscal 1971, and $600 million in fiscal 1972,

Now, therefore, be it resolved that the United States Conference of Mayors urges that Congress and the Administration remove ceilings currently imposed on obligations which may be made under the Urban Mass Transportation Act and reject any future attempts to impose such ceilings; and

Be it further resolved that the Conference urges the Administration to move quickly to undertake obligations to meet the needs of those communities whose grant applications are currently pending and, if necessary, to propose an increase in the obligational authority granted under the Urban Mass Transportation Act so that assistance may be provided to all communities who meet the standards of the law; and

Be it further resolved that the Conference urges that the Urban Mass Transportation Act be amended and its funding levels increased, so that the federal government may provide support, where necessary, for the operation of local public transportation systems.

19. SOLID WASTE MANAGEMENT

Whereas, the collection and disposal of solid waste is among the most difficult and costly problems facing city governments today; and

Whereas, difficulties in the solid waste management area are largely beyond the control of cities, being created by an expanding population and the increased tendency toward disposable packaging and consumer goods without reuse or recycling; and

Whereas, national policies must be developed discouraging the proliferation of solid wastes through assertion of federal leadership in the solid waste management field; and

Whereas, Congress took a major step toward establishing such leadership with the Resource Recovery Act of 1970, authorizing over $150 million in grants to aid the development and construction of new and improved solid waste management techniques and facilities; and

Whereas, despite the urgent need for greater action in this field, the Administration has seen fit to request an appropriation of less than $19 million for the solid waste program in fiscal 1972.

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to appropriate and the Administration to spend the full amounts authorized for solid waste management improvement programs under the Resource Recovery Act of 1970; and

Be it further resolved that the Conference urges adoption of taxing, spending, and pur-

chasing practices at all levels of government which will discourage the greater proliferation of solid waste and induce greater recycling and reuse of materials to preserve natural resources and cut local costs for solid waste management.

20. FUNDING OF WATER POLLUTION CONTROL PROGRAMS

Whereas, restoring waters that are seriously polluted and providing water to meet the needs of a growing population are among the greatest challenges facing the nation today; and

Whereas, a study by the United States Conference of Mayors reveals that public expenditures of approximately $35 billion will be required for a water pollution control program over the next five years; and

Whereas, local governments, which have provided the greater share of public expenditures for water pollution control over the past few years, will be unable to meet such expenditures that are necessary; and

Whereas, the Clean Water Restoration Act of 1966, which expires June 30, 1971, has provided valuable assistance, but has also created problems for local clean water programs because of the tenuous nature of its appropriations-supported financing and the low level of costs borne by the Federal government.

Now, therefore, be it resolved that the United States Conference of Mayors urges the federal government to guarantee a continuing level of funding to effectively control water pollution; and

Be it further resolved that the Conference urges extension of the grant-in-aid program under the Federal Water Pollution Control Act for another five years with financing provided through a long-term contract authority provision allowing immediate obligation of up to $15 billion with annual expenditure limits established to spread actual outlay of funds over the five-year period; and

Be it further resolved that the Conference urges that the federal share of costs for all programs be increased to at least 75 per cent regardless of the extent of state participation in project financing.

21. AIRPORT CONSTRUCTION ASSISTANCE

Whereas, the Airport and Airway Development Act of 1970 established a trust fund to support airport improvements, and directed that at least $280 million be obligated annually for local airport improvement grants; and

Whereas, cities urgently need assistance authorized by Congress under this Act to improve their airport facilities; and

Whereas, the Administration has determined that it will limit obligations for local airport grants to $170 million in fiscal 1971 and $205 million in fiscal 1972, and divert unused trust fund revenues to support the day-to-day operations of the Federal Aviation Administration, despite the intent of Congress that such funds be used first for necessary capital facilities.

Now, therefore, be it resolved that the United States Conference of Mayors, urges the Congress to reaffirm its intent that not less than $280 million annually be obligated for the airport program and urges the Administration to obligate funds at the level directed by Congress to assure adequate assistance for airport progams; and

Be it further resolved that the Conference urges Congress to adopt legislation to clarify the intent of the 1970 Airport and Airway Development Act that no airport trust fund revenues should be diverted to support the operation of any federal agency until it is assured that all capital facilities needs have been met, and the directives of Congress relating to fund obligations have been complied with.

22. REVISING ALLOCATIONS FROM FEDERAL HIGHWAY TRUST FUND

Whereas, urban areas urgently need a significant increase in resources to upgrade the quality of highways and related transportation systems to improve traffic circulation within the urban area and cut traffic congestion which currently threatens the viability of many core cities; and

Whereas, increasingly strict air pollution abatement regulations make it imperative that other means of moving traffic in central cities be developed as alternatives to the present substantial reliance on the private automobile; and

Whereas, more than half of all vehicle miles traveled are within urban areas, and more than half of all gas tax revenues are generated within urban areas; and

Whereas, allocations of federal and state gas tax revenues to urban areas are grossly inadequate in comparison with assistance provided for non-urban areas and construction of the Interstate Highway System; and

Whereas, highway assistance that is made available to urban areas is closely controlled by federal and state regulations, which prevent local officials from exercising discretion in using funds to meet particular local needs; and

Whereas, despite the urgent pleas of cities, Congress and the Administration in adopting the 1970 Highway Act, maintained urban assistance at present inadequate levels, and thereby assured that the gross imbalance in assistance will continue at least through 1973,

Now, therefore, be it resolved that the United States Conference of Mayors can no longer accept this continuing inequitable allocation of federal and state gas tax revenues and will not support further extension of the Federal Highway Trust Fund unless very basic reforms are made in fund allocation practices to give city officials more assistance and greater discretion in developing solutions to their particular traffic problems; and

Be it further resolved that the Conference believes that reforms in the highway program must include:

A new allocation formula which assures that urban areas will receive a substantial portion of the gas tax revenues they generate; and

A mandatory pass-through of funds to assure that each urban area within a state will receive a portion of that state's fund allocations to be used as the elected leadership of that urban area determines; and

Authority for state and local officials to use trust fund revenues as they deem necessary to improve transportation services in their jurisdictions. Such uses would include support for all rail rapid transit systems where deemed necessary by the state and local officials involved.

23. HOUSING OPPORTUNITIES

Whereas, there are inadequate housing opportunities for low and moderate income families in many metropolitan areas; and

Whereas, zoning and land use restrictions are sometimes used to impede equal housing opportunities throughout metropolitan area; and

Whereas, some cities do not have adequate land and few cities have the additional financial resources necessary to provide adequate housing, education, police and fire protection, public works, health, and other public services; and

Whereas, the U.S. Constitution, the Housing Act of 1949, and fair housing legislation has established that the provision of and access to and adequate supply of low and moderate income housing regardless of income or race in all parts of our country is a vital national goal; and

Whereas, in furtherance of this goal, each level of government, whether it be federal, state, county, or municipal, has an affirmative duty to assure that a full range of housing opportunities becomes a functional reality; and

Whereas, the federal government, pursuant to the Civil Rights Act, has an affirmative obligation to administer its programs and to allocate its resources with this national policy firmly in mind; and

Whereas, President Nixon's policy on equal housing opportunities announced on June 11, 1971 raises great concerns about its potential effectiveness in achieving such opportunities; and

Whereas, low and moderate income groups, including blue and white collar workers, returning war veterans, the elderly, the young and minorities, cannot afford new single family housing, for all of which in 1970 median sales price was $23,500 including subsidized 235 lower income housing;

Now, therefore, be it resolved that the USCM strongly urges President Nixon to support the incremental initiative taken by Secretary George Romney of the Department of Housing and Urban Development (HUD), and direct all other appropriate federal agencies to cooperate with HUD to promote the development of low and moderate income housing throughout all Standard Metropolitan Statistical Areas, including suburban communities; and

Be it further resolved that President Nixon, or where appropriate Secretary Romney, direct federal agencies administering programs such as, but not limited to, highway appropriations, public works projects, and FHA mortgage loan guarantees, as well as community development projects, to advise all communities that the future availability of federal funds for these projects will depend upon the applicant-community's commitment to provide low and moderate income housing, and that to refuse to cooperate in this regard will serve to terminate all such federal assistance; and

Be it further resolved that the federal government should take great care in analyzing the availability of housing opportunities when locating a government facility or when awarding a federal contract to a private company, and that where cooperation is not forthcoming from the community or company in question, the federal government should refuse to so locate the facility or approve the contract; and

Be it further resolved that the USCM requests that a delegation of mayors meet with the President to discuss the ramifications of his policy on the development of low and moderate income housing for the nation.

24. UNIFORM RELOCATION

Whereas, the United States Conference of Mayors strongly supported passage of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970; and

Whereas, the purpose of that legislation is "to establish a uniform policy for the fair, and equitable treatment of persons displaced as a result of federal and federally assisted programs," and to assure consistent land acquisition policies in the many federal programs; and

Whereas, federal agencies have failed to comply with this mandate of Congress by promulgating unnecessarily long and confusing regulations which are often inconsistent with each other and which, therefore, seriously frustrate centralized relocation procedures; and

Whereas, cities will be required to bear a part of relocation and acquisition payment

and assistance costs after July 1, 1972, which costs are now totally reimbursed by the federal agency and which will have the effect of substantially increasing total project costs,

Now, therefore, be it resolved that the U.S. Conference of Mayors calls upon the Office of Management and Budget and all affected federal agencies to comply immediately with the Congressional intent of the Uniform Relocation Act by establishing one set of regulations and procedures for all agencies, with allowances for appropriate distinctions between agencies. This should include the assurance that displaced citizens will be relocated in housing equally as valuable and up to the physical and health standards of the property from which they are displaced; and

Be it further resolved that the United States Conference of Mayors urges Congress to delete the local matching requirement after July 1, 1972, so that all relocation and acquisition costs will be reimbursed by the federal agency.

25. URBAN RENEWAL FUNDING

Whereas, the nationwide demand for urban renewal funds continues to expand; and

Whereas, the estimated backlog of unfunded requests continues to be approximately $3 billion; and

Whereas, for fiscal year 1971, the President requested $1 billion, the Congress approved a bill appropriating $1.35 billion, and the President vetoed that bill; and

Whereas, for fiscal year 1971, the President impounded the $200 million in urban renewal funds above his original request; and

Whereas, for fiscal year 1972, the President has requested only $600 million for the first six months while the total available authorization is nearly $2.6 billion,

Now, therefore, be it resolved that the United States Conference of Mayors call upon the Congress to approve full fiscal year 1972 funding of $2.6 billion for the urban renewal program for a complete twelve months; and

Be it further resolved that the Conference once again urges the Congress to approve a program of advance funding for urban renewal in order that a greater continuity of effort may be established; and

Be it further resolved that the Conference urges the President to release the funds which are appropriated.

26. COMMUNITY DEVELOPMENT GRANT CONSOLIDATION

Whereas, there is an increasing need for greater reliance upon the decision-making capabilities of local elected officials regarding local priorities; and

Whereas, there is a clear need for the simplification and streamlining of the various physical development categorical grant programs now administered by the Department of Housing and Urban Development; and

Whereas, recent experience has shown that a successful community development program should include, as a supportive element, certain appropriate "software", or social service activity; and

Whereas, the Department of Housing and Urban Development currently has the responsibility to respond to the community development needs of cities, towns and counties of all sizes throughout the nation; and

Whereas, the cities have long supported and called for a program which could provide increased continuity of effort, including mechanisms for multi-year funding by Congress and long-term commitments to individual communities; and

Whereas, the Administration's "urban community development special revenue sharing" proposal would involve an automatic distribution of federal funds without application or eligibility requirements, would upset the present federal-local ability to respond to the requirements of many smaller communities and would seriously jeopardize current expectations of future program growth in scores of other cities by confusing a community's need for a sustained annual program level with the liquidation of previous federal commitments.

Now, therefore, be it resolved that the United States Conference of Mayors supports comprehensive legislation which would consolidate the physical development categorical grant programs administered by the Department of Housing and Urban Development—urban renewal, water and sewer grants, rehabilitation loans, neighborhood facilities, and open space—into a single consolidated grant program. This program, which would avoid arbitrary population distinctions between communities for the purpose of dispensing federal funds, would be the responsibility of the Department of Housing and Urban Development. Each community seeking development funds from the Department of Housing and Urban Development would be expected to present periodic applications, substantially simplified from those currently in use, which would set out the community's development plan and its capabilities to perform according to that plan. An integral component of any such application would be a statement of the community's program to eliminate or prevent slums and blight, to promote rational growth, and to provide low and moderate income housing; and

Be it further resolved that such legislation would also include a feasible and equitable procedure to provide communities with relatively stable annual program amounts which could expand to meet future needs and which could be established according to actual need and to past history of actual program participation. Such a program should insure that no community would be eligible for less annually by way of new funding commitments than it has been receiving under the total of the separate categorical programs being consolidated; and

Be it further resolved that Model Cities be maintained as a separate program, and that it not be included in any consolidation of physical development programs administered by the Department of Housing and Urban Development; and

Be it further resolved that, until such grant consolidation legislation is fully discussed and enacted, all existing Department of Housing and Urban Development programs must continue to be funded on a full twelve-month basis, and that the new programs insure an orderly transition to the consolidated grant approach.

27. SECURITIES INVESTOR PROTECTIVE CORPORATION

Whereas, recent legislation establishing the Securities Investor Protective Corporation, provided for an assessment against the gross earnings of investment banking firms; and

Whereas, this assessment will have a serious adverse affect upon the small to middle-sized investment banking firms which traditionally underwrite state and municipal obligations; and

Whereas, there are certain exemptions from the assessment provided in the law, but municipal obligations are not exempt,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to so amend the law to exclude revenue derived from the sale of state and municipal bonds from the assessment for the Securities Investor Protective Corporation.

28. UNIFORM SYSTEM OF LOCAL GOVERNMENT COST ACCOUNTING

Whereas, the various governmental units and agencies have adopted many systems of accounting which makes comparison difficult; and

Whereas, it would be beneficial for one agency to evaluate its operations against that of others,

Now, therefore, be it resolved that the United States Conference of Mayors work toward the establishment of a uniform system of cost accounting as it pertains to cities, counties, and other inter-governmental agencies, so that the cost benefits of one government agency to another can be evaluated and measured against its tax contributions.

NOTE.—Proposed Resolution No. 29 (on uniform regional planning laws) was withdrawn by its sponsor.

30. ASSISTANCE FOR LOCAL POLICY PLANNING AND MANAGEMENT

Whereas, federal guidelines increasingly require local chief executives to integrate projects planned under separate categorical grant-in-aid programs and to insure that such projects complement and reinforce one another; and

Whereas, the thrust of the current national Administration places additional responsibilities upon local chief executives to develop local priorities and management strategies; and

Whereas, the ordering and integrating of local priorities should be based upon the most complete information and most thorough planning possible; and

Whereas, the administrative cost allowances for the execution of individual projects by local line agencies do not cover the attendant policy planning and management costs of local chief executives.

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Administration and the Congress to develop, enact, and adequately fund a grant program to provide local chief executives with policy planning and management capability, and to provide that such a program be administered at a level where executive direction can be given to various departments and agencies of the federal government engaged in the administration of current and proposed Federal grant-in-aid programs.

31. LOW- AND MODERATE-INCOME HOUSING PROGRAMS

Whereas, the Congress set the nation's ten-year housing goals in 1968 at 26 million units, which projected the need for the provision of 600,000 units of low and moderate income housing units each year; and

Whereas, at the end of fiscal year 1972, the nation will be over 450,000 units, or 25 per cent, behind its original low and moderate income housing goal, which will include falling short 51 per cent for rent supplement units, 38 per cent for public housing units, 17 per cent for Section 236 rental units, 15 percent for Section 235 homeownership units and 14 percent for rehabilitation; and

Whereas, the President is impounding nearly $200 million in available public housing contract authority at this moment, and the President has announced his intention of withholding over $200 million in such funds during fiscal year 1972; and

Whereas, the President has refused to request appropriations for full amounts authorized for the rent supplement, rehabilitation loan, Section 235 and Section 236 programs for fiscal year 1972,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Congress to recommit itself to meet the stated national housing goa's by approving the necessary full funding for fiscal year 1972 for the several housing programs, including $225 million for Section 235, $225 million for Section 236, $153 million for rent supplements, and $150 million for rehabilitation loans; and

Be it further resolved that the Conference urges the President to request full

funding from the Congress for all federal housing programs; and

Be it further resolved that the Conference urges the President to release all available public housing contract authority funds for both production and operating subsidies during fiscal year 1971 and 1972.

32. PUBLIC HOUSING—IMPACT AID/FULL TAX PAYMENT

Whereas, by the end of fiscal year 1972, well over one million units of low-rent, public housing will be under management throughout this country; and

Whereas, these public housing units do not pay local property taxes, and the fractional payments in lieu of taxes fail to cover even a significant part of the cost of minimum local public services; and

Whereas, passage of the important "Brooke Amendment" which limited basic rental payments to no more than 25 percent of income has further served to reduce this already small payment in lieu of taxes; and

Whereas, the cost of providing educational and other vital municipal services, particularly to neighborhoods containing a high concentration of large families, is increasing at an alarming rate; and

Whereas, the Congress, recognizing this burden, has amended the "impact aid" to education program to authorize payment to local school boards for children living in low-rent public housing,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the Congress to amend the existing public housing law to require that all annual contributions contracts shall include sufficient funds to enable payments equivalent to full property taxes, to be made to the appropriate local government units; and

Be it further resolved that the Conference calls upon the Congress to fully fund the public housing entitlement of the "impact aid" to education program and urges the Administration to support the full funding of this program.

33. HEALTH SERVICES

Whereas, an unacceptably high portion of the United States' population—especially the young, the old, and the poor—lacks access to quality preventive and curative mental and physical medical care and rehabilitative services; and

Whereas, the cost of a universally accessible and efficiently managed health care delivery system must be our goal,

Now, therefore, be it resolved that the United States Conference of Mayors urges the adoption of a comprehensive national health program with the following features:

(1) National health insurance, which would be available to all citizens;

(2) Provision of adequate preventive, nutritional, prenatal, mental, dental, and nursing care, rehabilitation services, and medication, as well as the traditional medical and surgical services;

(3) Linkage of national health insurance with the Family Assistance Plan to assure that families facing catastrophic illness are protected from financial ruin;

(4) Creation and expansion of facilities and programs for training medical, paramedical, nursing, and other health care personnel;

(5) Establishment of standards and incentives for managing the health care delivery system in a way that will reward cost reduction, efficient use of resources, accessibility to users, and quality care in urban, suburban, and rural neighborhoods; and

(6) Creation of a resources development fund to support research and development of innovative health programs, improvements in health manpower, education, training, transportation, public health services, organization of medical practice, and related aspects of the delivery of health care.

NOTE.—Proposed Resolution No. 34 (on improved census) was referred by the Philadelphia Resolutions Committee to Conference Staff for further study.

35. ECONOMIC DEVELOPMENT

Whereas, the economic vitality of cities is required for a sound nation and a sound national economy; and

Whereas, past and present federal programs and policies, and the lack of a national growth policy have had the effect of weakening the economic foundations of cities and urban areas and encouraging inefficient distribution of economic activity, with consequent (1) discouragement of business locations and growth in cities, (2) flight of industry to the suburbs, (3) failure of marginal city enterprises, and (4) deterioration of the tax base and less ability of the city to provide vital services and maintain the infra-structure upon which economic growth depends; and

Whereas, such economic decline and urban decay increase the numbers of unemployed, whose jobs either disappear completely or are moved to the suburbs, and such workers are precluded from seeking employment in the suburbs because of discriminatory land use restrictions; and

Whereas, migrants from rural areas find there are no jobs available in the cities and that they too, are excluded from living close to the expanding suburban job market; and

Whereas, alternative growth patterns designed to relieve the population pressures on the cities, such as new towns and rural revitalization, will not come into full effect for many years, and consequently, are not real solutions to the immediate urban problems, but will divert scarce resources from the task of maintaining the economic life of the cities; and

Whereas, Congress and the President have allowed these conditions to exist, and in particular, the Economic Development Administration has been given inadequate statutory authority in the past, and inadequate levels of funds in the present, to make any significant impact toward improving this condition of the cities' failing economic health; and

Whereas, the economic vitality of the nation has been seriously constrained in recent years by reduced availability of credit; and

Whereas, this has resulted in intolerable levels of unemployment concentrated in our urban centers; and

Whereas, increased levels of employment can only be achieved through industrial diversification; and

Whereas, the economic recession has made industrial diversification extremely difficult for areas of the country most severely hit by the present state of the economy; and

Whereas, many of these areas need the help of the federal and state governments to finance the diversification effort; and

Whereas, city capital improvement projects were significantly curtailed during 1969–1970 because of the high interest rates in the municipal bond market; cities with low bond ratings are finding it increasingly impossible to secure financing through the municipal bond market; and several federal programs require that local capital matching funds be raised by the sale of taxable municipal bonds (which are subsidized and guaranteed by the federal government) through independent federal agencies uncoordinated with one another,

Now, therefore, be it resolved that the U.S. Conference of Mayors urges that the process of developing and maintaining the economic vitality of the cities, as the foundation for a sound urban and national economy, must be assigned high national priority; and

Be it further resolved that Congress and the President respond to this national priority by adequately funding and giving sufficient power and jurisdiction to the Economic Development Administration, or if necessary, to an entirely new comprehensive body, with a clear mandate to reverse the economic stagnation and decline the cities now face; and

Be it further resolved that such a body should work directly with locally elected officials in creating and implementing economic development efforts. Assistance should be in the form of planning and technical assistance as well as direct financial aid; and

Be it further resolved that an economic development component shall be an essential element of any national, regional, or local growth plan; and

Be it further resolved that government and industry should be encouraged to remain in, locate to, and grow in the cities. Industrial and government relocation from cities to suburbs where adequate housing will not be available for all employees should be strongly discouraged; and

Be it further resolved that the U.S. Conference of Mayors call upon the President and Congress to enact legislation that would encourage industries to expand or locate in depressed urban areas. This might be done through investment credits, accelerated depreciation benefits, or simple tax benefits; and

Be it further resolved that the federal government establish a program to broaden the market for the sale of municipal bonds in order to lower the interest rate, that the federal government assist cities with low bond ratings in the marketing of their bonds, and that the federal government centralize its financial assistance to cities for bonds sold pursuant to federal programs.

NOTE.—Proposed Resolution No. 36 (on funds to combat alcoholism) was referred by the Philadelphia Resolutions Committee to the Conference Staff for further study.

37. DRUG ABUSE

Whereas, the widespread abuse of drugs and the easy availability of dangerous drugs is a serious national problem, causing addiction and harmful effects on citizens throughout the nation; and

Whereas, the use of amphetamines has been particularly subject to widespread abuse; and

Whereas, over 50 per cent of the 8 billion dosage units of legally manufactured amphetamines in the United States are diverted into illegal channels; and

Whereas, only the federal government can control the flow of this enormous quantity of dangerous drugs that is manufactured without medical justification, and only federal action can prevent the psychological addiction and debilitating effects on users that result from the illicit sale of these drugs; and

Whereas, the United States Conference of Mayors has for two straight years urged that the federal government exercise its responsibility to meet this crisis in drug addiction by providing these controls; and

Whereas, there is presently pending before the Congress of the United States legislation which would (1) mandate the Attorney General to set quotas for the production of these substances; (2) make it illegal for any person to distribute these substances without a written order issued by the Attorney General; (6) provide that these substances may be dispensed only by a physician with a written prescription, and require a doctor's permission for a refill; and (4) tighten the import and export restrictions on these substances by requiring that a license be issued by the Attorney General; and

Whereas, the United States has signed an international treaty on psychotropic sub-

stances, designed to assist this country and other countries in combating the problems associated with these substances; that treaty will require the advice and consent of the United States Senate,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress of the United States to adopt this legislation, which would enable the federal government to establish and strictly enforce quotas for the production of amphetamines and other dangerous substances; and

Be it further resolved that the Conference urges the United States Senate to provide favorable advice and consent to the treaty on psychotropic substances.

38. FEDERAL NARCOTICS TREATMENT AND RESEARCH AGENCY

Whereas, the explosion of the drug culture among all groups of American citizens poses a serious threat to the health and well-being of our Nation; and

Whereas, in the United States today drug addiction knows no neighborhood lines, no state, county or city boundaries, and no racial or ethnic distinctions; and

Whereas, the shattered minds and hopeless futures of thousands upon thousands of our children are grim testimony to government's inadequate response; and

Whereas, in America today, the narcotics plague ravages our people, fills our streets with terror and our homes with desperation; and

Whereas, the federal government has a fragmented effort bereft of coordination and hence, local officials waste time and energy attempting to weave the fragmented federal contributions into a focused local program; and

Whereas, the plague of narcotics addiction will not yield to anything less than a total commitment to treatment and research, focused in a single agency at the national level and funded with real awareness of the devastating human and dollar cost of the narcotic problem.

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the federal government, both the Congress and the President, to provide for a single, professional, fully-funded "Federal Narcotics Treatment and Research Agency" with the goal of a billion dollar program in three years, providing basic financing for each city to establish a local comprehensive drug treatment program to rid our nation of this evil.

39. CHILD DEVELOPMENT

Whereas, the United States Conference of Mayors has repeatedly supported the Head Start Program and other childhood education programs; and

Whereas, the unfortunate fact is that Head Start reached only one-tenth of the approximately four million pre-school children of low-income families; and

Whereas, over four million pre-school-age children have working mothers and day care facilities available can care for less than 700,000 children in this country,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Administration to propose, and the Congress to enact, legislation now which will provide for a more comprehensive range of quality services for pre-school children, giving local government the opportunity to plan and coordinate such comprehensive programs at the local needs can best be determined.

40. THE PHILADELPHIA RESOLVE

*Preamble*

At this 1971 meeting of the United States Conference of Mayors, we Mayors of the nation, in the fervent desire to realize the promise of the federal Constitution, do call upon all citizens to join us in demanding a reordering of national priorities and a realignment of our common revenues to stem the rising tide of distress in urban America.

It is appropriate that we do issue this call from historic Philadelphia, for it was here that the future of mankind was lighted almost 200 years ago by the Declaration of Independence, and it was here that the American adventure in federalism was charted through a Constitution that still speaks directly to all of us today—

*We the people of the United States . . .*

Not, "we the states," but "We the people" united in a common concern . . . Millions of poor Americans are fleeing from unemployment, hunger and intolerance to seek a better life in the nation's cities while urban dwellers are fleeing to the suburbs, leaving the cities with diminished resources to meet increased needs.

*. . . In order to form a more perfect union . . .*

The cities are not responsible for this dilemma and should not bear the enormous costs alone, without help from the nation as a community of concern. The shapers of federalism stressed the need for an equitable distribution of the public burden, and guardianship over those least able to fend for themselves.

*. . . Establish justice, insure domestic tranquility, provide for the common defense . . .*

What language could more pertinently address itself to the contemporary struggle for equality of opportunity, for safety in our streets and security in our homes?

*. . . Promote the general welfare . . .*

In our mobile society the care of health, the availability of quality education and the preservation of dignity are national in scope and effect, not parochial community obligations; they are national goals affecting all Americans.

*. . . Secure the blessings of liberty to ourselves and our posterity . . .*

The national government has the right, and indeed, the Constitutional mandate to establish standards of decency, and must use its common resources to equalize the burden on its citizens.

*. . . Do ordain and establish this constitution for the United States of America*

This Constitution shall be the supreme law of the land, not the law of the respective States, but an umbrella shielding and embracing all the people of these United States.

*The Philadelphia resolve*

Whereas, today "We the people" are urban America—seventy-five percent of the nation's population live in metropolitan communities and are embroiled in civil turmoil, at the mercy of elemental forces over which they have little control; and The United States dare not ignore the magnitude of the needs or so many of its citizens, for a nation can stand only as long as there is an awareness of common concern; and The goal of the Constitution, according to James Madison, was to enable the national government to be "armed with a positive and complete authority in all cases where uniform measures are necessary.",

Therefore, be it resolved, that we, the United States Conference of Mayors, do address the people of America, and do invite them to join us in calling upon the federal government to assume its constitutional responsibility for the well-being of all the people through a form of revenue sharing that helps the cities, the governmental entity closest to the people; through federal guarantees of full employment, decent and adequate housing, and equality of educational opportunity; through facilitation of mass transportation, and by the establishment of uniform national standards for health care and welfare systems; and

Be it further resolved that copies of The Philadelphia Resolve be transmitted to the President and the Congress of the United States, to the governors and other presiding officers of those states, all of whom share with the mayors, the obligation, the commitment, and the responsibility for We the People.

In convention here assembled at the site of the birth of this nation, and in the very context of the language and the dream of the founding fathers, we mayors do urge all Americans to join in seeking the realization of the federal promise.

41. WITHDRAWAL FROM VIETNAM AND RECORDING OF NATIONAL PRIORITIES

Whereas, city governments fully understand and accept the leadership of the national government in international affairs; and

Whereas, the war in Vietnam has brought such serious division to the people of our communities that it has become a proper concern to city governments; and

Whereas, President Nixon has taken encouraging steps to end the American involvement in the Vietnam conflict; and

Whereas, the continuation of the Vietnam conflict badly distorts national priorities and the allocation of national resources; and

Whereas, both Congress and leading elements in the private sector have undertaken serious study of the problems involved in conversion from war expenditures to domestic expenditures; and

Whereas, city officials and civic leaders, along with governmental officials and leaders in the private sector at all levels, must have some clear guidelines if the achievement of their conversion goals and new program directions are to be realistic,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the President to do all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner; and

Be it further resolved that the United States Conference of Mayors calls upon the Congress to work with the President in the development of a constructive program of peacetime conversion which will give national priority to the needs we face in the fields of housing, education, health, child development, law enforcement, and other pressing domestic needs.

42. POLICE AND FIRE SURVIVORS INSURANCE PROGRAM

Whereas, President Nixon has proposed a program whereby families of slain police officers will receive $50,000; and

Whereas, President Nixon intends to submit the proposal to Congress in the near future; and

Whereas, firemen, like policemen, frequently put their lives in jeopardy in the fulfillment of their duties; and

Whereas, it must be recognized that firemen, too, subject themselves daily to the chance of losing their lives in an effort to protect the lives and property of our citizens; and

Whereas, Atlanta's most recent tragedy, when four members of its Fire Department were killed by an explosion while helping to extinguish a blaze, points out the occupational dangers of fire fighting similar to police work,

Now, therefore, be it resolved that the United States Conference of Mayors calls upon the President to include in his police survivors insurance proposal to the Congress a similar provision for firemen, and

Be it further resolved that the United States Conference of Mayors urges the Congress to act immediately on a proposal to provide $50,000 survivors insurance to policemen and firemen.

43. CONTINUATION OF SPECIAL FOOD SERVICE PROGRAMS

Whereas, the Special Food Service Program (SFSP) of the Department of Agriculture's Food and Nutrition Service has enabled city governments to feed daily hundreds of thousands of young people every summer; and

Whereas, the SFSP provides many of these poor youngsters their sole nutritious meal each day during the summer; and

Whereas, the authorizing legislation for this program—a portion of the Child Nutrition Act of 1966, as amended—expires June 30, 1971; and

Whereas, the Food and Nutrition Service now has on hand requests for funding of special food programs in the amount of $31 million and expects more,

Now, therefore, be it resolved that the United States Conference of Mayors urges the Congress to immediately pass authorizing legislation to extend, subject to modifications, the Child Nutrition Act of 1966; and

Be it further resolved that appropriate action be taken by the Congress to provide funding equal to the proposed authorization of $32 million for the SFSP; and

Be it further resolved that the Congress complete such action as soon as possible, in no event later than June 30, 1971, so as to enable the nation's cities to continue to provide nutritious meals daily to the Nation's poor youth.

44. PUBLIC BROADCASTING

Whereas, city governments in the United States have begun to recognize the unique potential of non-commercial television and radio for providing education and public information and encouraging greater citizen involvement in government; and

Whereas, public broadcasting is bringing the work of the local government directly to the citizens in a large and growing number of cities through programming focusing in-depth on local issues and problems; and

Whereas, public broadcasting is encouraging greater citizen participation in the political process through expanding coverage of political candidates, conventions and elections, and programs which give citizens opportunities to hear from and respond to their mayors and other elected officials; and

Whereas, during the two and a half years since its creation, the Corporation for Public Broadcasting has provided direct financial and technical assistance which has strengthened many of the more than 200 television stations and over 100 radio stations and created interconnected national networks in both television and radio; and

Whereas, during this same period the programs provided by public television and radio have won an unprecedented amount of awards and critical acclaim, as well as sharply increased audiences; and

Whereas, the United States Conference of Mayors has provided regular counsel to the Corporation through its participation in CPB's Advisory Committee of National Organizations,

Now, therefore, be it resolved that the United States Conference of Mayors endorses and encourages cooperation betweeen local public broadcasters and elected officials in developing programming which informs and involves citizens regarding the work of local government; and

Be it further resolved that the United States Conference of Mayors urges the Nixon Administration and the Congress to develop and approve a system of long range financing for the Corporation during the current session of Congress to provide insulation from outside influence and the means for developing an effective national system of public broadcasting to serve the citizens of the United States.

45. COMMENDATION OF HUD FOR NEW LEASING PROCEDURES

Whereas, the traditional landlord-tenant relationships have been substantially changed in recent years by statutes in many states, as well as by a long series of legal decisions to provide greater balance between the rights of tenants and landlords; and

Whereas, this has been particularly true in public housing, the courts indicating that local housing authorities have duties and obligations which cannot be avoided or circumvented; and

Whereas, the traditional public housing leases have resulted in unnecessary friction and strain between management and tenants and in litigation which is costly to management, tenants, and taxpayers; and

Whereas, the United States Department of Housing and Urban Development issued two Circulars on February 22, 1971 designed to improve the living environments of public housing tenants to protect and balance the legal rights of both management and tenants; and

Now, therefore, be it resolved that the United States Conference of Mayors commend HUD for its issuance of the new Model Lease and Grievance Procedure Circulars: and

Be it further resolved that the United States Conference of Mayors call upon every local housing authority to promptly and fully implement these new Circulars.

46. WELFARE REFORM

Whereas, public assistance rolls have increased dramatically over the last decade; and

Whereas, the poverty population for the first time in ten years increased in 1970 by 1.2 million American people over 1969; and

Whereas, the present tax burden of financing welfare is now inequitably distributed throughout the nation and is in part financed by regressive taxes, such as sales and real property, which unfairly burden low and middle income families; and

Whereas, the U.S. Conference of Mayors has repeatedly called for a total reform of the welfare system and the establishment of basic income supplement payments for all people unable to work and whose income falls below the officially recognized level of poverty; and

Whereas, the House Ways and Means Committee has reported out a welfare reform bill with an income maintenance payment of $2400 a year for a family of four; and

Whereas, the underlying principle of eligibility for public assistance should be the need of the recipient rather than his category of disability, employment status, family status, age, sex, or place of residence; and

Whereas, mayors and local governments have demonstrated a commitment to assume greater leadership and responsibility for manpower and social services at the local level but cannot raise the funds needed to meet long-delayed health, welfare, education and social services and to train and employ participants in the Opportunities for Families Program; and

Whereas, Title XX of last year's welfare reform proposal provided the large cities the opportunity to be the prime sponsor of the delivery of social services; and

Whereas, the city itself is in the best position to determine the needs of its citizens, evaluate its economic and social resources, organize and operate manpower programs, and deliver social services effectively; and

Whereas, state and local governments need immediate relief from spiraling welfare costs this year; and

Whereas, the proposed funding formula would provide inadequate, uneven, and disproportionate relief for state and local governments that provide welfare costs this year.

Now, therefore, be it resolved that the United States Conference of Mayors again affirm its support for welfare reform with these features, among others:

1. An adequate basic supplement for the working poor and payments to other American citizens who are unable to work and whose income falls below the officially recognized poverty level;

2. Eligibility based on need, rather than category;

3. A federally funded, comprehensive social services delivery system that governments of localities—regardless of their population—may have an opportunity to coordinate and administer, if they choose to do so;

4. Immediate federalization of the funding of public assistance programs this year;

5. Federal matching of supplementary state benefits to assist jurisdictions that provide benefits at a higher level than will be supported by full federal funding;

6. One hundred percent funding of the public service jobs to be created under the Opportunities for Families Program and provision for integrating activities into planning, coordinating, and operating of ongoing manpower programs at the city level;

7. Provision of vendor payments on recurring items, as well as nonrecurring items, at the option of the recipient, and exploration of this concept through demonstration projects and studies.

47. PUBLIC SERVICE EMPLOYMENT

Whereas, over 5 million Americans are without jobs and the overriding domestic concern at the persent time is the rising rate of unemployment; and

Whereas, the unemployment problem no longer faces a few large cities, since the problem of general unemployment has spread to cities, both large and small, throughout the nation; and

Whereas, the National Commission of Automation and Technology has reported that public services in health, welfare, recreation and social services are in need of some 5 million additional workers; and

Whereas, the cities are without funds to meet the long-delayed services and to provide jobs for the unemployed; and

Whereas, the Congress last year passed through both Houses manpower reform legislation which included a massive public service employment program, which was unfortunately vetoed by the President without consultation on the part of the nation's mayors, and over the protests of mayors confronted daily with the unemployment problem and the shortage of services in cities throughout the nation; and

Whereas, this year after recommendations by the nation's mayors the Congress has passed through both Houses the Emergency Employment Act soon to be considered by the conference committee,

Now, therefore, be it resolved that the United States Conference of Mayors urges prompt action by the conference committee and the House and Senate in sending the Emergency Employment Act of 1971 to the President; and

Be it further resolved that the Conference of Mayors urges the President to meet with the nation's mayors for consultation before he acts on this desperately needed legislation; and

Be it further resolved that the President reverse his indicated position and sign this vital measure into law at the earliest possible date.

48. ACCELERATED PUBLIC WORKS LEGISLATION

Whereas, unemployment is at its highest levels in nearly a decade; and

Whereas, because of the local financial crises many cities are unable to construct urgently needed public works facilities; and

Whereas, the Congress has passed the Accelerated Public Works Act to provide $2 billion to aid localities in areas of high unemployment construct needed public works facilities; and

Whereas, the Accelerated Public Works Act, in combination with the public service employment legislation, will aid significantly in solving unemployment problems and upgrading the quality of municipal services,

Now, therefore, be it resolved that the United States Conference of Mayors urges the President to sign the Accelerated Public Works Act; and

Be it further resolved that the Conference

urges the Administration and the Congress to appropriate and commit to local projects the full $2 billion in assistance authorized in the Accelerated Public Works Act.

49. JAMES H. J. TATE

Whereas, James H. J. Tate of Philadelphia has served the United States Conference of Mayors with honor and distinctive leadership as its President; and

Whereas, the leadership and commitment for urban America Mayor Tate has demonstrated in leading the nation's mayors to the forefront in our cause for our cities before the public, the Congress and the Administration deserves the highest possible commendation of all mayors.

Now, therefore, be it resolved that the delegates to this Annual Conference meeting commend Mayor Tate to the highest degree and demand that he continue to serve as a great leader among mayors and thus continue in his campaign toward an urban America, free, safe, and healthy, not just for our cities but for our nation as a whole.

50. PHILADELPHIA—THE CITY OF BROTHERLY LOVE

Whereas, Philadelphia, the City of Brotherly Love, the birthplace of our nation has opened their hearts and extended warmth and hospitality in its finest tradition to the delegates of this Annual Meeting of the United States Conference of Mayors; and

Whereas, Mayor James H. J. Tate and members of his staff and departments in the government of the City have worked continuously to make our Conference productive and enjoyable.

Now, therefore, be it resolved that the Conference extend their deepest thanks and appreciation to Mayor Tate and all associated with him for a most significant meeting.

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## CONSERVATIONISTS IN STRONG SUPPORT OF PROPOSED NEW DEPARTMENT OF NATURAL RESOURCES

Mr. PERCY. Mr. President, the proposed Department of Natural Resources, one of the four proposed new departments to be created by the President's executive reorganization bills, has received enthusiastic support from the conservation community. The Sport Fishing Institute, which speaks for an influential element of American conservationists, said in its bulletin for June 1971:

> Over a period of years the conservation community has generally been recommending the creation of just such a comprehensive Department of Natural Resources to replace the outmoded Department of the Interior and to include many related functions scattered among various departments and agencies throughout the Federal government.

The Sport Fishing Institute believes that the President's proposal for the creation of a Department of Natural Resources "ought to win the fullest possible active support from all citizens of all ages and predilections who share a concern for the quality of the American environment.

The support of the Sport Fishing Institute for the new department is another sign of the popular support for executive reorganization. I ask unanimous consent that the article be printed in the RECORD.

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

FEDERAL CONSOLIDATION IN NATURAL RESOURCES

On March 25, 1971, contending that form should follow function in government, President Richard Nixon sent to the Congress his long-awaited plan to consolidate seven cabinet departments into four. In the process, the President resolved a sharp policy dispute between environmentalists and national security specialists over the proper location of the civil construction activity of the Army Corps of Engineers. President Nixon's decision, a compromise of sorts, was to transfer the planning, funding and evaluation functions—and, thus, the control—of the Corps activity into one of the new departments but to keep the construction personnel under the Department of Defense.

The President's reorganization plan follows the basic outline of a plan presented to Mr. Nixon by the Advisory Council on Executive Organization. Roy L. Ash, the president of Litton Industries, who headed the advisory panel, has estimated that the changes could save taxpayers $5 billion a year. The Ash Council recommended that the civil functions of the Army Corps of Engineers be placed under the control of the Department of Natural Resources. But it suggested that only the planning and evaluation functions actually be transferred fom the Department of Defense.

The Office of Management and Budget, however, was said to favor transfering the entire 29,000-man civilian component of the Corps to the proposed civilian agency, including the field offices, construction facilities and contract offices. This proposal was said, plausibly enough, to have been opposed strongly by the Pentagon.

Environmentalists have charged that the Corps of Engineers is insensitive to the effect that its public works projects have on ecosystems. The Pentagon argued that its ability to mobilize the Engineers during an emergency would be seriously impaired if the Corps was removed from Defense Department jurisdiction.

President Nixon's compromise was to recommend shifting only the decision-making function—along with about 2,500 employees—to the proposed new department.

The President said, in transmitting four bills proposing the four new departments, that "it is important that we move boldly" to consolidate major activities. "At this moment in our history," he said, "most Americans have concluded that government is not performing well. It promises much, but it does not deliver what it promises. The great danger, in my judgment, is that this momentary disillusionment with government will turn into a more profound and lasting loss of faith." What is needed, Mr. Nixon said, is a new structure rather than tinkering with the old one, because "good people cannot do good things with bad mechanisms."

Accordingly, the President called for dismantling the seven departments that were not part of the first American Government. They are the Departments of the Interior, Labor, Agriculture, Commerce, Transportation, Housing and Urban Development, and Health, Education and Welfare. Their functions would be rearranged and reassigned, along with some functions of the independent agencies, under these four new, goal-oriented departments: Department of Natural Resources, Department of Economic Affairs, Department of Community Development, and Department of Human Resources.

The Department of Natural Resources, the President said, would "conserve, manage and utilize our resources in a way that would protect the quality of the environment and achieve a true harmony between man and nature." Its projected 110,700 employees and $5.1 billion budget (combined existing staffs and funds) would be divided among five subagencies: Land and Recreation Resources; Water Resources; Energy and Mineral Resources; Oceanic, Atmospheric, and Earth Sciences; and Indian and Territorial Affairs (cf. accompanying organization chart). The various elements making up these component agencies and budget would be derived as follows:

*From the Department of the Interior:* Bureau of Outdoor Recreation; National Park Service; Bureau of Sport Fisheries and Wildlife; Bureau of Land Management; Bureau of Reclamation; Office of Saline Water; Office of Water Resources Research; Geological Survey; Bureau of Mines; Power Marketing Agencies; Bureau of Indian Affairs; Office of Territories; Office of Coal Research; Office of Oil and Gas; Office of Minerals and Solid Fuels; Oil Import Administration and Appeals Board; Defense Electric Power; Underground Power Transmission Research; departmental administration.

*From the Department of Agriculture:* Forest Service; Soil Conservation Service; Agricultural Research Service's Soil and Water Conservation Division; Economic Research Service's Natural Resources Economics Division; Farmers Home Administration watershed loans.

*From the Department of the Army:* Corps of Engineers planning and funding.

*From the Atomic Energy Commission:* Uranium Raw Materials; Uranium Enrichment; Civilian Nuclear Power Reaction; Plowshare (funding and certain planning functions only).

*The Water Resources Council.*

*From the Department of Transportation:* Oil and Gas Pipeline Safety Programs.

*From the Department of Commerce:* National Oceanic and Atmospheric Administration.

Over a period of several years the conservation community has generally been recommending the creation of just such a comprehensive Department of Natural Resources to replace the outmoded Department of the Interior and to include many related functions scattered among various departments and agencies throughout the Federal government. Since early June, 1969, when President Richard Nixon proposed the partial dismemberment of the Interior Department to create the independent Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce, conservation forces have been vigorously advocating immediate creation of the new Department as the right (rather than the expedient)—if difficult—reorganization to undertake.

Partly because the conservation community felt very strongly that the need and the time exactly coincided, they opposed the President's Reorganization Plan No. 4 (recently approved by Congress) that created the NOAA within Commerce. The remainder of the rationale for opposition to Plan No. 4—while supporting Plan No. 3 to create the EPA—was based on the conviction that the responsibility for resource conservation (essentially regulatory and protective in function) should not be placed together with the responsibility for resource development (essentially promotional in function). This was viewed as a conflict of interest and purpose. Ironically, the official justification for creating EPA—under Plan No. 3—was to separate such conflicting functions.

Most commendably, if belatedly, President Nixon has now proposed—among proposals for three other departments—that a Department of Natural Resources (DNR) be created. As detailed above, virtually all existing functions of the Interior Department would be absorbed in the new DNR. Presumably Indian Affairs logically could and would be transferred to Community Development or

to Human Resources at a later date when the affected peoples might see advantage and express the desire.

Major components of the Department of Agriculture, particularly the Forest Service and the Soil Conservation Service, would be placed in the new Department of Natural Resources. Additionally, the Coastal Zone Management function, currently up for grabs as between Interior and Commerce, would evidently be assigned to the land component of the DNR.

It is not clear to us at this juncture whether the intent would be to place the entire Soil Conservation Service or only its planning function within the DNR. On the other hand, with respect to the Civil Works function of the Corps of Engineers, the apparent intent is to remold that function to one of contract engineering, alone. But the SCS and the CE are politically potent and may be expected to resist the change, no doubt overtly.

The recently-created National Oceanic and Atmospheric Administration (NOAA) would be transferred as a unit from Commerce to the DNR, thereby realigning, with those concerning other related resources, the responsibilities for a major segment of the nation's renewable natural resources. Together with transfer of jurisdiction over other major components of the environment, "this corrective move would essentially complete the make-up of the comprehensive new Department of Natural Resources that has been so long advocated by the conservation community." It would properly set the stage for dealing effectively with the accelerating environmental problems that will confront the nation throughout the balance of the twentieth century, at least . . .

It is gratifying to find a marked similarity between earlier proposals by conservationists and the current proposal by President Nixon (closely reflective of recommendations by the Ash Commission on Executive Organization). Indeed, it is most encouraging to see evidence that principle rather than expedience dominates the current thinking.

We believe there is a great deal of merit to the President's new proposal for a comprehensive Department of Natural Resources along the lines being considered. A large part of earlier objections by conservationists to the piece-meal reorganization plans proposed during late 1969 derived substantially from the conviction that such plans did not go nearly far enough.

The President's reorganization proposal—at least that for creation of the Department of Natural Resources—ought to win the fullest possible active support from all citizens of all ages and predilections who share a concern for the quality of the American environment and of the American life style. It's in the Nation's best interest to let the President and the Congress know your views, soon, on this important issue, whatever they may be. . . .

## DEATH OF THE SOVIET COSMONAUTS

Mr. STEVENSON. Mr. President, a universal sense of grief accompanies the death of brave men who have given their lives in the pursuit of human knowledge. This is the feeling which all of us share over the tragic death of the three Soviet cosmonauts. The conquest of space has made us aware as never before of our common destiny on this planet, and I hope that the families of Viktor Patsayev, Georgiy Dobryvolskiy, and Vladimir Volkov will derive solace from knowing that they died in the service of all mankind. Their deaths may foster a new spirit of cooperation in space so that man will achieve there what has eluded him on earth. That frontier of new discovery could lead the way to harmony in a world which is finally beginning to understand the need to live together in peace.

## ADMINISTRATION OF POISON PREVENTION PACKAGING ACT

Mr. MOSS. Mr. President, 6 months ago the House and Senate agreed to the language of the Poison Prevention Packaging Act which requires special packaging for certain types of household substances which would be dangerous in the hands of small children.

Even though the Department of Health, Education, and Welfare estimates that annually there are some 600,000 accidental poisonings due to medicines and cosmetics, 150,000 accidental poisonings due to cleaning products, and 75,000 poisonings due to pesticides, it took the Department 5 months to appoint the Technical Advisory Committee called for in the legislation. Small children cannot be protected by warnings which they do not understand; they must be physically prevented from opening these packages.

Following the Technical Advisory Committee's first and only meeting on May 13, at which they decided to issue standards for liquid drain cleaner packages, the Bureau of Product Safety in the Food and Drug Administration decided that the committee will not meet again for more than 4 months. Can this be so in the face of literally hundreds of thousands of poisonings annually?

I am sure that the distinguished members of the Technical Advisory Committee would be willing to work through the summer in order to bring about this needed protection for American children. So why does not the staff get them together again?

How many more children must have their stomachs pumped from the accidental swallowing of aspirins? How many more children will succumb to the lure of red furniture polish and suffer severe trauma from swallowing this toxic material while the Poison Prevention Packaging Act languishes on the shelves of HEW?

If this kind of performance is indicative of the priority given by HEW to product safety, then I shall seek to remove all authority for poison prevention packaging and toy safety from HEW at hearings beginning July 19 on legislation to create a Consumer Product Safety Agency.

Furthermore, I do not believe that it is too late to also consider removing from HEW all authority for administration of the food, drug, and cosmetic laws and placement of this jurisdiction in the Consumer Product Safety Agency. Considering the dearth of effort being expended in the executive branch on consumer regulatory matters, witness the shoddy job being done by the Department of Commerce on flammable fabrics.

I think the time has come to protect the consumer from bureaucratic mismanagement and nonmanagement and place these important issues before an agency sensitive to the needs of the American people.

## LANDMARK DECISION BY THE SUPREME COURT

Mr. COOPER. Mr. President, earlier today I commented briefly on the cases before the Supreme Court, before I had seen its decision, and expressed the hope that it would clarify the important constitutional question before it and lay down guidelines for the future.

I have now the printed opinion of the Court, per curiam, in the cases of New York Times Co., petitioner, against United States and United States, petitioner, against the Washington Post Co. and others, with concurring and dissenting opinions.

I ask unanimous consent that this record and landmark decision be printed in the RECORD.

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

[Supreme Court of the United States, Nos. 1873 and 1885, October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, v. UNITED STATES

On writ of certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES PETITIONER, 1885 v. THE WASHINGTON POST COMPANY ET AL.

On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Per Curiam.

We granted certiorari in these cases in which the United States seeks to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled "History of U.S. Decision-Making Process on Viet Nam Policy."—U.S.—(1971).

"Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity." *Bantam Books, Inc.* v. *Sullivan*, 372 U.S. 58, 70 (1963); see also *Near* v. *Minnesota*, 283 U.S. 697 (1931). The Government "thus carries a heavy burden of showing justification for the enforcement of such a restraint." *Organization for a Better Austin* v. *Keefe*,—U.S.—(1971). The District Court for the Southern District of New York in the *New York Times* case and the District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit in the *Washington Post* case held that the Government had not met that burden. We agree.

The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. The order of the Court of Appeals for the Second Circuit is reversed and the case is remanded with directions to enter a judgment affirming the judgment of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the Court are vacated. The mandates shall issue forthwith.

*So ordered.*

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[Supreme Court of the United States, Nos. 1873 and 1885, October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, v. UNITED STATES

On writ of certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, v. THE WASHINGTON POST COMPANY ET AL

On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Marshall, concurring.

The Government contends that the only

issue in this case is whether in a suit by the United States, "the First Amendment bars a court from prohibiting a newspaper from publishing material whose disclosure would pose a grave and immediate danger to the security of the United States." Brief of the Government, at 6. With all due respect, I believe the ultimate issue in this case is even more basic than the one posed by the Solicitor General. The issue is whether this Court or the Congress has the power to make law.

In this case there is no problem concerning the President's power to classify information as "secret" or "top secret." Congress has specifically recognized Presidential authority, which has been formally exercised in Executive Order 10501, to classify documents and information. See, *e.g.*, 18 U.S.C. § 798; 50 U.S.C. § 783.[1] Nor is there any issue here regarding the President's power as Chief Executive and Commander-in-Chief to protect national security by disciplining employees who disclose information and by taking precautions to prevent leaks.

The problem here is whether in this particular case the Executive Branch has authority to invoke the equity jurisdiction of the courts to protect what it believes to be the national interest. See *In re Debs*, 158 U.S. 564, 584 (1895). The Government argues that in addition to the inherent power of any government to protect itself, the President's power to conduct foreign affairs and his position as Commander-in-Chief give him authority to impose censorship on the press to protect his ability to deal effectively with foreign nations and to conduct the military affairs of the country. Of course, it is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander-in-Chief. *Chicago & Southern Air Lines, Inc.* v. *Waterman Corp.*, 333 U.S. 103 (1948); *Hirabayashi* v. *United States*, 320 U.S. 81, 93 (1943); *United States* v. *Curtiss-Wright Export Co.*, 299 U.S. 304 (1936).[2] And in some situations it may be that under whatever inherent powers the Government may have, as well as the implicit authority derived from the President's mandate to conduct foreign affairs and to act as Commander-in-Chief there is a basis for the invocation of the equity jurisdiction of this Court as an aid to prevent the publication of material damaging to "national security," however that term may be defined.

It would, however, be utterly inconsistent with the concept of separation of power for this Court to use its power of contempt to prevent behavior that Congress has specifically declined to prohibit. There would be a similar damage to the basic concept of these coequal branches of Government if when the Executive has adequate authority granted by Congress to protect "national security" it can choose instead to invoke the contempt power of a court to enjoin the threatened conduct. The Constitution provides that Congress shall make laws, the President execute laws, and courts interpret law. *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952). It did not provide for government by injunction in which the courts and the Executive can "make law" without regard to the action of Congress. It may be more convenient for the Executive if it need only convince a judge to prohibit conduct rather than to ask the Congress to pass a law and it may be more convenient to enforce a contempt order than seek a criminal conviction in a jury trial. Moreover, it may be considered politically wise to get a court to share the responsibility for arresting those who the Executive has probable cause to believe are violating the law. But convenience and political considerations of the moment do not justify a basic departure from the principles of our system of government.

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Footnotes at end of article.

In this case we are not faced with a situation where Congress has failed to provide the Executive with broad power to protect the Nation from disclosure of damaging state secrets. Congress has on several occasions given extensive consideration to the problem of protecting the military and strategic secrets of the United States. This consideration has resulted in the enactment of statutes making it a crime to receive, disclose, communicate, withhold, and publish certain documents, photographs, instruments, appliances, and information. The bulk of these statutes are found to chapter 37 of U.S.C., Title 18, entitled Espionage and Censorship.[3] In that chapter, Congress has provided penalties ranging from a $10,000 fine to death for violating the various statutes.

Thus it would seem that in order for this Court to issue an injunction it would reqiure a showing that such an injunction would enhance the already existing power of the Government to act. See *Bennett* v. *Laman*, 277 N. Y. 368, 14 N. E. 2d 439 (1938). It is a traditional axiom of equity that a court of equity will not do a useless thing just as it is a traditional axiom that equity will not enjoin the commission of a crime. See Z. Chaffe & E. Re, Eqity 935–954 (5th ed. 1967); 1 H. Joyce, Injunctions §§ 58–60a (1909). Here there has been no attempt to make such a showing. The Solicitor General does not even mention in his brief whether the Government considers there to be probable cause to believe a crime has been committed or whether there is a conspiracy to commit future crimes.

If the Government had attempted to show that there was no effective remedy under traditional criminal law, it would have had to show that there is no arguably applicable statute. Of course, at this stage this Court could not and cannot determine whether there has been a violation of a particular statute nor decide the constitutionality of any statute. Whether a good-faith prosecution could have been instituted under any statute could, however, be determined.

At least one of the many statutes in this area seems relevant to this case. Congress has provided in 18 U.S.C. § 793(e) that whoever "having unauthorized possession of, access to, or control over any document, writing, code book, signal book . . . or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits . . . the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than ten years, or both." 18 U.S.C. § 793(e). Congress has also made it a crime to conspire to commit any of the offenses listed in 18 U.S.C. § 793(e).

It is true that Judge Gurfein found that Congress had not made it a crime to publish the items and material specified in § 793(e): He found that the words "communicates, delivers, transmits . . ." did not refer to publication of newspaper stories. And that view has some support in the legisaltive history and conforms with the past practice of using the statute only to prosecute those charged with ordinary espionage. But see 103 Cong. Rec. 10449 (remarks of Sen. Humphrey). Judge Gurfein's view of the statute is not, however, the only plausible construction that could be given. See my Brother WHITE'S concurring opinion.

Even if it is determined that the Government could not in good faith bring criminal prosecutions against the New York Times and the Washington Post, it is clear that Congress has specifically rejected passing legislation that would have clearly given the President the power he seeks here and made the current activity of the newspapers unlawful. When Congress specifically declines to make conduct unlawful it is not for this Court to redecide those issues—to overrule Congress. See *Youngstown Sheet & Tube* v. *Sawyer*, 345 U.S. 579 (1952).

On at least two occasions Congress has refused to enact legislation that would have made the conduct engaged in here unlawful and given the President the power that he seeks in this case. In 1917 during the debate over the original Espionage Act, still the basic provisions of § 793, Congress rejected a proposal to give the President in time of war or threat of war authority to directly prohibit by proclamation the publication of information relating to national defense that might be useful to the enemy. The proposal provided that:

"During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Whoever violates any such prohibition shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same." 55 Cong. Rec. 1763.

Congress rejected this proposal after war against Germany had been declared even though many believed that there was a grave national emergency and that the threat of security leaks and espionage were serious. The Executive has not gone to Congress and requested that the decision to provide such power be reconstructed. Instead, the Executive comes to this Court and asks that it be granted the power Congress refused to give.

In 1957 the United States Commission on Government Security found that "[a]irplane journals, scientific periodicals, and even the daily newspaper have featured articles containing information and other data which should have been deleted in whole or in part for security reasons." In response to this problem the Commission, which was chaired by Senator Cotton, proposed that "Congress enact legislation making it a crime for any person willfully to disclose without proper authorization, for any purpose whatever, information classified 'secret' or 'top secret,' knowing, or having reasonable grounds to believe, such information to have been so classified." Report of Commission on Government Security 619–620 (1957). After substantial floor discussion on the proposal, it was rejected. See 103 Cong. Rec. 10447–10450. If the proposal that Senator Cotton championed on the floor had been enacted, the publication of the documents involved here would certainly have been a crime. Congress refused, however, to make it a crime. The Government is here asking this Court to remake that decision. This Court has no such power.

Either the Government has the power under statutory grant to use traditional criminal law to protect the country or, if there is no basis for arguing that Congress has made the activity a crime, it is plain that Congress has specifically refused to grant the authority the Government seeks from this Court. In either case this Court does not have authority to grant the requested relief. It is not for this Court to fling itself into every breach perceived by some Government official nor is it for this Court to take on itself the burden of enacting law, especially law that Congress has refused to pass.

I believe that the judgment of the United States Court of Appeals for the District of Columbia should be affirmed and the judg-

ment of the United States Court of Appeals for the Second Circuit should be reversed insofar as it remands the case for further hearings.

FOOTNOTES

[1] See n. 3, *infra*.

[2] But see *Kent* v. *Dulles*, 357 U.S. 116 (1958); *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952).

[3] There are several other statutory provisions prohibiting and punishing the dissemination of information, the disclosure of which Congress thought sufficiently imperiled national security to warrant that result. These include 42 U.S.C. §§ 2161 through 2166 relating to the authority of the Atomic Energy Commission to classify and declassify "Restricted Data" ["Restricted Data" is a term of art employed uniquely by the Atomic Energy Act]. Specifically, 42 U.S.C. § 2162 authorizes the Atomic Energy Commission to classify certain information. 42 US.C. § 2274, subsection (a) provides penalties for a person who "communicates, transmits, or discloses . . . with intent to injure the United States or an intent to secure an advantage to any foreign nation. . " "Restricted Data" Subsection (b) of § 2274 provides lesser penalties for one who "communicates, transmits, or discloses" such information "with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation . . ." Other sections of Title 42 of U.S.C. dealing with atomic energy prohibit and punish acquisition, removal, concealment, tampering with, alteration, mutilation, or destruction of documents incorporating "Restricted Data" and provide penalties for employees and former employees of the Atomic Energy Commission, the armed services, contractors and licensees of the Atomic Energy Commission, 42 U.S.C. §§ 2276, 2277. Title 50 U.S.C. Appendix § 781 (part of the National Defense Act of 1941, as amended, 55 Stat. 236) prohibits the making of any sketch or other representation of military installations or any military equipment located on any military installation, as specified; and indeed Congress in the National Defense Act conferred jurisdiction on federal district courts over civil actions "to enjoin any violation" thereof. 50 U.S.C. App. §§ 1152. 50 U.S.C. § 783(b) makes it unlawful for any officers or employees of the United States or any corporation which is owned by the United States to communicate material which has been "classified" by the President to any person whom that governmental employee knows or has reason to believe is an agent or representative of any foreign government or any Communist organization.

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[Supreme Court of the United States, Nos. 1873 AND 1885.—OCTOBER TERM, 1970]

NEW YORK TIMES COMPANY, PETITIONER, v. UNITED STATES

On writ of certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, v. THE WASHINGTON POST COMPANY ET AL.

On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice White, with whom Mr. Justice Stewart joins, concurring.

I concur in today's judgments, but only because of the concededly extraordinary protection against prior restraints enjoyed by the press under our constitutional system. I do not say that in no circumstances would the First Amendment permit an injunction against publishing information about government plans or operations.[1] Nor, after examining the materials the Government characterizes as the most sensitive and destructive, can I deny that revelation of these documents will do substantial damage to public interests. Indeed, I am confident that their disclosure will have that result. But I nevertheless agree that the United States has not satisfied the very heavy burden which it must meet to warrant an injunction against publication in these cases, at least in the absence of express and appropriately limited congressional authorization for prior restraints in circumstances such as these.

The Government's position is simply stated: The responsibility of the Executive for the conduct of the foreign affairs and for the security of the Nation is so basic that the President is entitled to an injunction against publication of a newspaper story whenever he can convince a court that the information to be revealed threatens "grave and irreparable" injury to the public interests;[2] and the injunction should issue whether or not the material to be published is classified, whether or not publication would be lawful under relevant criminal statutes enacted by Congress and regardless of the circumstances by which the newspaper came into possession of the information.

At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the Executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press. Much of the difficulty inheres in the "grave and irreparable danger" standard suggested by the United States. If the United States were to have judgment under such a standard in these cases, our decision would be of little guidance to other courts in other cases, for the material at issue here would not be available from the Court's opinion or from public records, nor would it be published by the press. Indeed, even today where we hold that the United States has not met its burden, the material remains sealed in court records and it is properly not discussed in today's opinions. Moreover, because the material poses substantial dangers to national interests and because of the hazards of criminal sanctions, a responsible press may choose never to publish the more sensitive materials. To sustain the Government in these cases would start the courts down a long and hazardous road that I am not willing to travel at least without congressional guidance and direction.

It is not easy to reject the proposition urged by the United States and to deny relief on its good-faith claims in these cases that publication will work serious damage to the country. But that discomfiture is considerably dispelled by the infrequency of prior restraint cases. Normally, publication will occur and the damage be done before the Government has either opportunity or grounds for suppression. So here, publication has already begun and a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documents by many unauthorized people is undeniable and the efficacy of equitable relief against these or other newspapers to avert anticipated damage is doubtfult at best.

What is more, terminating the ban on publication of the relatively few sensitive documents the Government now seeks to suppress does not mean that the law either requires or invites newspapers or others to publish them or that they will be immune from criminal action if they do. Prior restraints require an unusually heavy justification under the First Amendment; but failure by the Government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication. That the Government mistakenly chose to proceed by injunction does not mean that it could not successfully proceed in another way.

When the Espionage Act was under consideration in 1917, Congress eliminated from the bill a provision that would have given the President broad powers in time of war to proscribe, under threat of criminal penalty, the publication of various categories of information related to the national defense.[3] Congress at that time was unwilling to clothe the President with such far-reaching powers to monitor the press, and those opposed to this part of the legislation assumed that a necessary concomitant of such power was the power to "filter out the news to the people through some man." 55 Cong. Rec. 2008 (1917) (remarks of Senator Ashurst). However, these same members of Congress appeared to have little doubt that newspapers would be subject to criminal prosecution if they insisted on publishing information of the type Congress had itself determined should not be revealed. Senator Ashurst, for example, was quite sure that the editor of such a newspaper "should be punished if he did publish information as to the movements of the fleet, the troops, the aircraft, the location of powder factories, the location of defense works, and all that sort of thing." 55 Cong. Rec. 2009 (1917).[4]

The criminal code contains numerous provisions potentially relevant to these cases. Section 797[5] makes it a crime to publish certain photographs or drawings of military installations. Section 798,[6] also in precise language, proscribes knowing and willful publications of any classified information concerning the cryptographic systems or communication intelligence activities of the United States as well as any information obtained from communication intelligence operations.[7] If any of the material here at issue is of this nature, the newspapers are presumably now on full notice of the position of the United States and must face the consequences if they publish. I would have no difficulty in sustaining convictions under these sections on facts that would not justify the intervention of equity and the imposition of a prior restraint.

The same would be true under those sections of the criminal code casting a wider net to protect the national defense. Section 793(e)[8] makes it a criminal act for any unauthorized possessor of a document "relating to national defense" either (1) willfully to communicate or cause to be communicated that document to any person not entitled to receive it or (2) willfully to retain the document and fail to deliver it to an officer of the United States entitled to receive it. The subsection was added in 1950 because preexisting law provided no penalty for the unauthorized possessor unless demand for the documents was made.[9] "The dangers surrounding the unauthorized possession of such items are self-evident, and it is deemed advisable to require their surrender in such a case, regardless of demand, especially since their unauthorized possession may be unknown to the authorities who would otherwise make the demand." S. Rep. No. 2369, 81st Cong., 2d Sess., 9 (1950). Of course, in the cases before us, the unpublished documents have been demanded by the United States and their import has been made known at least to counsel for the newspapers involved. In *Gorin* v. *United States*, 312 U. S. 19, 28 (1941), the words "national defense" as used in a predecessor of § 793 were held by a unanimous court to have "a well understood connotation"—a "generic concept of broad connotations, referring to the military and naval establishment and the related activities of national preparedness"—and to be "sufficiently definite to apprise the public of prohibited activities" and to be consonant with due process. 312 U. S., at 82. Also, as construed by the Court in *Gorin*, information "connected with the national defense" is obviously not limited to that threatening "grave and irreparable" injury to the United States.[10]

It is thus clear that Congress has addressed itself to the problems of protecting

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Footnotes at end of article.

the security of the country and the national defense from unauthorized disclosure of potentially damaging information. Cf. *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U. S. 579, 585–586 (1952); see also *id.*, at 593–628 (Frankfurter, J., concurring). It has not, however, authorized the injunctive remedy against threatened publication. It has apparently been satisfied to rely on criminal sanctions and their deterrent effect on the responsible as well as the irresponsible press. I am not, of course, saying that either of these newspapers has yet committed a crime or that either would commit a crime if they published all the material now in their possession. That matter must await resolution in the context of a criminal proceeding if one is instituted by the United States. In that event, the issue of guilt or innocence would be determined by procedures and standards quite different from those that have purported to govern these injunctive proceedings.

FOOTNOTES

[1] The Congress has authorized a strain of prior restraints against private parties in certain instances. The National Labor Relations Board routinely issues cease-and-desist orders against employers whom it finds have threatened or coerced employees in the exercise of protected rights. See 29 U.S.C. § 160(c). Similarly, the Federal Trade Commission is empowered to impose cease-and-desist orders against unfair methods of competition. 15 U.S.C. § 45(b). Such orders can, and quite often do, restrict what may be spoken or written under certain circumstances. See, *e.g.*, *NLRB* v. *Gissel Packing Co.*, 395 U.S. 575, 616–620 (1969). Art. I, § 8 of the Constitution authorizes Congress to secure the "exclusive right" of authors to their writings, and no one denies that a newspaper can properly be enjoined from publishing the copywrighted works of another. See *Westermann Co.* v. *Dispatch Co.* 249 U.S. 100 (1919). Newspapers do themselves rely from time to time on the copyright as a means of protecting their accounts of important events. However, those enjoined under the statutes relating to the National Labor Relations Board and the Federal Trade Commission are private parties, not the press; and when the press is enjoined under the copyright laws the complainant is a private copyright holder enforcing a private right. These situations are quite distinct from the Government's request for an injunction against publishing information about the affairs of government, a request admittedly not based on any statute.

[2] The "grave and irreparable danger" standard is that asserted by the Government in this Court. In remanding to Judge Gurfein for further hearings in the *Times* litigation, five members of the Court of Appeals for the Second Circuit directed him to determine whether disclosure of certain items specified with particularity by the Government would "pose such grave and immediate danger to the security of the United States as to warrant their publication being enjoined."

[3] "Whoever, in time of war, in violation of reasonable regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall publish any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense calculated to be useful to the enemy, shall be punished by a fine . . . or by imprisonment . . . ." 55 Cong. Rec. 2100 (1917).

[4] Senator Ashurst also urged that ". . . 'freedom of the press' means freedom from the restraints of a censor, means the absolute liberty and right to publish whatever you wish; but you take your chances of punishment in the courts of your country for the violation of the laws of libel, slander and treason." 55 Cong. Rec. 2005 (1917).

[5] Section 797, 18 U.S.C., provides:

"On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

[6] In relevant part 18 U.S.C. § 798 provides:

"(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

"(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

"(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

"(3) concerning the communication intelligence activities of the United States or any foreign government; or

"(4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—

"Shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

[7] The purport of 18 U.S.C. § 798 is clear. Both the House and Senate Reports on the bill, in identical terms, speak of furthering the security of the United States by preventing disclosure of information concerning the cryptographic systems and the communication intelligence systems of the United States, and explaining that "[t]his bill makes it a crime to reveal the methods, techniques, and materiel used in the transmission by this Nation of enciphered or coded messages. . . . Further, it makes it a crime to reveal methods used by this Nation in breaking the secret codes of a foreign nation. It also prohibits under certain penalties the divulging of any information which may have come into this Government's hands as a result of such a code-breaking." H.R. Rep. No. 1895, 81st Cong., 2d Sess., 1 (1950). The narrow reach of the statute was explained as covering "only a small category of classified matter, a category which is both vital and vulnerable to an almost unique degree." *Id.*, at 2. Existing legislation was deemed inadequate.

"At present two other acts protect this information, but only in a limited way. These are the Espionage Act of 1917 (40 Stat. 217) and the act of June 10, 1933 (48 Stat. 122). Under the first, unauthorized revelation of information of this kind can be penalized only if it can be proved that the person making the revelation did so with an intent to injure the United States. Under the second, only diplomatic codes and messages transmitted in diplomatic codes are protected. The present bill is designed to protect against knowing and willful publication or any other revelation of all important information affecting the United States communication intelligence operations and all direct information about all United States codes and ciphers." *Ibid.*

Section 798 obviously was intended to cover publications by non-employees of the Government and to ease the Government's burden in obtaining convictions. See H.R. Rep. No. 1895, *supra*, at 2–5. The identical Senate Report, not cited in parallel in the text of this footnote, is S. Rept. No. 111, 81st Cong., 1st Sess. (1949).

[8] Section 793(e) of 18 U.S.C. provides that:

"(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, wilfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it;"

is guilty of an offense punishable by 10 years in prison, a $10,000 fine, or both. It should also be noted that 18 U.S.C. § 793(g), added in 1950, see 64 Stat. 1004–1005 (1950); S. Rep. No. 2369, 81st Cong., 2d Sess., 9 (1950), provides that "[i]f two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy."

[9] The amendment of § 793 that added subsection (c) was part of the Subversive Activities Control Act of 1950, which was in turn Title I of the Internal Security Act of 1950. Sec. 64 Stat. 987 (1950). The report of the Senate Judiciary Committee best explains the purposes of the amendment:

"Section 18 of the bill amends section 793 of title 18 of the United States Code (espionage statute). The several paragraphs of section 793 of title 18 are designated as subsections (a) through (g) for purposes of convenient reference. The significant changes which would be made in section 793 of title 18 are as follows:

"(1) Amends the fourth paragraph of section 793, title 18 (subsec. (d)), to cover the unlawful dissemination of "information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation.' *The phrase 'which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation' would modify only 'information relating to the national defense and not the other items enumerated in the subsection.* The fourth paragraph of section 793 is also amended to provide that only those with lawful possession of the items relating to national defense enumerated therein may retain them subject to demand therefor. Those who have unauthorized possession of such items are treated in a separate subsection.

"(2) Amends section 793, title 18 (subsec. (e)), to provide that unauthorized possessors of items enumerated in paragraph 4 of section 793 must surrender possession thereof to the proper authorities without demand. Existing law provides no penalty for the unauthorized possession of such items unless a demand for them is made by the person en-

titled to receive them. The dangers surrounding the unauthorized possession of such items are self-evident, and it is deemed advisable to require their surrender in such a case, regardless of demand, especially since their unauthorized possession may be unknown to the authorities who would otherwise make the demand. The only difference between subsection (d) and subsection (e) of section 793 is that a demand by the person entitled to receive the items would be a necessary element of an offense under subsection (d) where the possession is lawful, whereas such a demand would not be a necessary element of an offense under subsection (e) where the possession is unauthorized." S. Rep. No. 2369, 81st Cong., 2d Sess., 8–9 (1950) (emphasis added).

It seems clear from the foregoing, contrary to the intimations of the District Court for the Southern District of New York in this case, that in prosecuting for communicating or withholding a "document" as contrasted with similar action with respect to "information" the Government need not prove an intent to injure the United States or to benefit a foreign nation but only willful and knowing conduct. The District Court relied on *Gorin* v. *United States*, 312 U.S. 19 (1941). But that case arose under other parts of the predecessor to § 793, see 312 U.S., at 21–22—parts that imposed different intent standards not repeated in § 793(d) or § 793(e). Cf. 18 U.S.C. §§ 793 (a), (b), and (c). Also, from the face of subsection (e) and from the context of the act of which it was a part, it seems undeniable that a newspaper, as well as others unconnected with the Government, are vulnerable to prosecution under § 793(e) if they communicate or withhold the materials covered by that section. The District Court ruled that "communication" did not reach publication by a newspaper of documents relating to the national defense. I intimate no views on the correctness of that conclusion. But neither communication nor publication is necessary to violate the subsection.

[10] Also relevant is 18 U.S.C. § 794. Subsection (b) thereof forbids in time of war the collection or publication, with intent that it shall be communicated to the enemy, any information with respect to the movements of military forces, "or with respect to the plans or conduct . . . of any naval or military operations . . . or any other information relating to the public defense, which might be useful to the enemy. . . ."

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 v. THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Stewart, with whom Mr. Justice White joins, concurring.

In the governmental structure created by our Constitution, the Executive is endowed with enormous power in the two related areas of national defense and international relations. This power, largely unchecked by the Legislative [1] and Judicial [2] branches, has been pressed to the very hilt since the advent of the nuclear missile age. For better or for worse, the simple fact is that a President of the United States possesses vastly greater constitutional independence in these two vital areas of power than does, say, a prime minister of a country with a parliamentary form of government.

In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratc government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Yet it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept. And within our own executive departments the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly, and in confidence. In the area of basic national defense the frequent need for absolute secrecy is, of course, self-evident.

I think there can be but one answer to this dilemma, if dilemma it be. The responsibility must be where the power is.[3] If the Constitution gives the Executive a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense, then under the Constitution the Executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully. It is an awesome responsibility, requiring judgment and wisdom of a high order. I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. But be that as it may, it is clear to me that it is the constitutional duty of the Executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense.

This is not to say that Congress and the courts have no role to play. Undoubtedly Congress has the power to enact specific and appropriate criminal laws to protect government property and preserve government secrets. Congress has passed such laws, and several of them are of very colorable relevance to the apparent circumstances of these cases. And if a criminal prosecution is instituted, it will be the responsibility of the courts to decide the applicability of the criminal law under which the charge is brought. Moreover, if Congress should pass a specific law authorizing civil proceedings in this field, the courts would likewise have the duty to decide the constitutionality of such a law as well as its applicability to the facts proved.

But in the cases before us we are asked neither to construe specific regulations nor to apply specific laws. We are asked, instead, to perform a function that the Constitution gave to the Executive, not the Judiciary. We are asked, quite simply, to prevent the publication by two newspapers of material that the Executive Branch insists should not, in the national interest, be published. I am convinced that the Executive is correct with respect to some of the documents involved. But I cannot say that disclosure of any of them will surely result in direct, immediate, and irreparable damage to our Nation or its people. That being so, there can under the First Amendment to put one judicial resolution of the issues before us. I join the judgments of the Court.

FOOTNOTES

[1] The President's power to make treaties and to appoint ambassadors is of course limited by the requirement of Article, II, § 1, of the Constitution that he obtain the advice and consent of the Senate. Article I, § 8, empowers Congress to "raise and support Armies," and "provide and maintain a Navy." And, of course, Congress alone can declare war. This power was last exercised almost 30 years ago at the inception of World War II. Since the end of that war in 1945, the Armed Forces of the United States have suffered approximately half a million casualties in various parts of the world.

[2] See *Chicago & Southern Air Lines* v. *Waterman Steamship Corp.*, 333 U.S. 103; *Hirabayashi* v. *United States*, 320 U.S. 81; *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304; cf. *Mora* v. *McNamara*, cert. denied 389 U.S. 934.

[3] It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results. Indeed, so clearly is this true that the first President refused to accede to a request to lay before the House of Representatives the instructions, correspondence and documents relating to the negotiation of the Jay Treaty—a refusal the wisdom of which was recognized by the House itself and has never since been doubted. . . ." *United States* v. *Curtis-Wright Corp.*, 299 U.S. 304, at 320.

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 *v.* UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 *v.* THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Brennan, concurring.

I

I write separately in these cases only to emphasize what should be apparent; that our judgment in the present cases may not be taken to indicate the propriety, in the future, of issuing temporary stays and restraining orders to block the publication of material sought to be suppressed by the Government. So far as I can determine, never before has the United States sought to enjoin a newspaper from publishing information in its possession. The relative novelty of the questions presented, the necessary haste with which decisions were reached, the magnitude of the interests asserted, and the fact that all the parties have concentrated their arguments upon the question whether permanent

restraints were proper may have justified at least some of the restraints heretofore imposed in these cases. Certainly it is difficult to fault the several courts below for seeking to assure that the issues here involved were preserved for ultimate review by this Court. But even if it be assumed that some of the interim restraints were proper in the two cases before us, that assumption has no bearing upon the propriety of similar judicial action in the future. To begin with, there has now been ample time for reflection and judgment; whatever values there may be in the preservation of novel questions for appellate review may not support any restraints in the future. More important, the First Amendment stands as an absolute bar to the imposition of judicial restraints in circumstances of the kind presented by these cases.

II

The error which has pervaded these cases from the outset was the granting of any injunctive relief whatsoever, interim or otherwise. The entire thrust of the Government's claim throughout these cases has been that publication of the material sought to be enjoined "could," or "might," or "may" prejudice the national interest in various ways. But the First Amendment tolerates absolutely no prior judicial restraints of the press predicated upon surmise or conjecture that untoward consequences may result.* Our cases, it is true, have indicated that there is a single, extremely narrow class of cases in which the First Amendment's ban on prior judicial restraint may be overriden. Our cases have thus far indicated that such cases may arise only when the Nation "is at war," *Schenck* v. *United States*, 249 U.S. 47, 52 (1919), during which times "no one would question but that a Government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops." *Near* v. *Minnesota*, 283 U.S. 697, 716 (1931). Even if the present world situation were assumed to be tantamount to a time of war, or if the power of presently available armaments would justify even in peacetime the suppression of information that would set in motion a nuclear holocaust, in neither of these actions has the Government presented or even alleged that publication of items from or based upon the material at issue would cause the happening of an event of that nature. "The chief purpose of [the First Amendment's] guarantee [is] to prevent previous restraints upon publication." *Near* v. *Minnesota, supra*, at 713. Thus, only governmental allegation and proof that publication must inevitably, directly and immediately cause the occurrence of an event kindred to imperiling the safety of a transport already at sea can support even the issuance of an interim restraining order. In no event may mere conclusions be sufficient: for if the Executive Branch seeks judicial aid in preventing publication, it must inevitably submit the basis upon which that aid is sought to scrutiny by the judiciary. And therefore, every restraint issued in this case, whatever its form, has violated the First Amendment—and none the less so because that restraint was justified as necessary to afford the court an opportunity to examine the claim more thoroughly. Unless and until the Government has clearly made out its case, the First Amendment commands that no injunction may issue.

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[Supreme Court of the United States, Nos. 1878 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 v. THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Douglas, with whom Mr. Justice Black joins, concurring.

While I join the opinion of the Court I believe it necessary to express my views more fully.

It should be noted at the outset that the First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech or of the press." That leaves, in my view, no room for governmental restraint on the press.[1]

There is, moreover, no statute barring the publication by the press of the material which the Times and Post seek to use. 18 U.S.C. § 793(e) provides that "whoever having unauthorized possession of, access to, or control over any document, writing. . . . or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, wilfully communicates . . . the same to any person not entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than ten years or both"

The Government suggests that the word "communicates" is broad enough to encompass publication.

There are eight sections in the chapter on espionage and censorship, §§ 792–799. In three of those eight "publish" is specifically mentioned: § 794(b) provides "Whoever in time of war, with the intent that the same shall be communicated to the enemy, collects records, *publishes*, or communicates . . . [the diposition of armed forces]."

Section 797 prohibits "reproduces, *publishes*, sells, or gives away" photos of defense installations.

Section 798 relating to cryptography prohibits: "communicates, furnishes, transmits, or otherwise makes available . . . *or publishes*."[2]

Thus it is apparent that Congress was capable of and did distinguish between publishing and communication in the various sections of the Espionage Act.

The other evidence that § 793 does not apply to the press is a rejected version of § 793. That version read: "During any national emergency resulting from a war to which the U.S. is a party or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense, which in his judgment is of such character that it is or might be useful to the enemy." During the debates in the Senate the First Amendment was specifically cited and that provision was defeated. 55 Cong Rec. 2166.

Judge Gurfein's holding in the *Times* case that this Act does not apply to this case was therefore preeminently sound. Moreover, the Act of September 23, 1950, in amending 18 U.S.C. § 793 states in § 1 (b) that:

"Nothing in this Act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect." 64 Stat. 987.

Thus Congress has been faithful to the command of the First Amendment in this area.

So any power that the Government possesses must come from its "inherent power."

The power to wage war is "the power to wage war successfully." See *Hirabayashi* v. *United States*, 320 U.S. 81, 93. But the war power stems from a declaration of war. The Constiution by Article I, § 8, gives Congress, not the President, power "to declare war." Nowhere are presidential wars authorized. We need not decide therefore what leveling effect the war power of Congress might have.

These disclosures[3] may have a serious impact. But that is no basis for sanctioning a previous restraint on the press. As stated by Chief Justice Hughes in *Near* v. *Minnesota*, 283 U.S. 697, 719–720:

". . . While reckless assaults upon public men, and efforts to bring obloquy upon those who are endeavoring faithfully to discharge official duties, exert a baleful influence and deserve the severest condemnation in public opinion, it cannot be said that this abuse is greater, and it is believed to be less, than that which characterized the period in which our institutions took shape. Meanwhile, the administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied, crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and official neglect, emphasizes, the primary need of a vigilant and courageous press, especially in great cities. The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any the less necessary the immunity of the press from previous restraint in dealing with official misconduct."

As we stated only the other day in *Organization for a Better Austin* v. *Keefe*, —— U.S. ——, "any prior restraint on expression comes to this Court with a 'heavy presumption' against its constitutional validity."

The Government says that it has inherent powers to go into court and obtain an injunction to protect that national interest, which in this case is alleged to be national security.

*Near* v. *Minnesota*, 283 U.S. 697, repudiated that expansive doctrine in no uncertain terms.

The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information. It is common knowledge that the First Amendment was adopted against the widespread use of the common law of seditious libel to punish the dissemination of material that is embarassing to the powers-that-be. See Emerson, The System of Free Expressions, c. V (1970); Chafee, Free Speech in the United States, c. XIII (1941). The present cases will, I think, go down in history as the most dramatic illustration of that principle. A debate of large proportions goes on in the Nation over our posture in Vietnam. That debate antedated the disclosure of the contents of the present

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* *Freedman* v. *Maryland*, 380 U.S. 51 (1965), and similar cases regarding temporary restraints of allegedly obscene materials are not in point. For those cases rest upon the proposition that "obscenity is not protected by the freedoms of speech and press." *Roth* v. *United States*, 354 U.S. 476 (1957). Here there is no question but that the material sought to be suppressed is within the protection of the First Amendment; the only question is whether, notwithstanding that fact, its publication may be enjoined for a time because of the presence of an overwhelming national interest. Similarly, copyright cases have no pertinence here: the Government is not asserting an interest in the particular form of words chosen in the documents, but is seeking to suppress the ideas expressed therein. And the copyright laws, of course, protect only the form of expression and not the ideas expressed.

Footnotes at end of article.

documents. The latter are highly relevant to the debate in progress.

Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health. On public questions there should be "open and robust debate." *New York Times, Inc.* v. *Sullivan*, 376 U.S. 254, 269–270.

I would affirm the judgment of the Court of Appeals in the *Post* case, vacate the stay of the Court of Appeals in the *Times* case and direct that it affirm the District Court.

The stays in these cases that have been in effect for more than a week constitute a flouting of the principles of the First Amendment as interpreted in *Near* v. *Minnesota*.

FOOTNOTES

[1] See *Beauharnais* v. *Illinois*, 343 U.S. 250, 267 (dissenting opinion of MR. JUSTICE BLACK), 284 (my dissenting opinion); *Roth* v. *United States*, 354 U.S. 476, 508 (my dissenting opinion which MR. JUSTICE BLACK joined); *Yates* v. *United States*, 354 U.S. 298, 339 (separate opinion of MR. JUSTICE BLACK which I joined); *New York Times* v. *Sullivan*, 376 U.S. 293 (concurring opinion of MR. JUSTICE BLACK which I joined); *Garrison* v. *Louisiana*, 379 U.S. 64, 80 (my concurring opinion which MR. JUSTICE BLACK joined).

[2] These papers contain data concerning the communications system of the United States, the publication of which is made a crime. But the criminal sanction is not urged by the United States as the basis of equity power.

[3] There are numerous sets of this material in existence and they apparently are not under any controlled custody. Moreover, the President has sent a set to the Congress. We start then with a case where there already is rather wide distribution of the material that is destined for publicity, not secrecy. I have gone over the material listed in the *in camera* brief of the United States. It is all history, not future events. None of it is more recent than 1968.

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES COMPANY, PETITIONER, 1873 v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, 1885 v. THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

Mr. Justice Harlan, with whom The Chief Justice and Mr. Justice Blackmun join, dissenting.

These cases forcefully call to mind the wise admonition of Mr. Justice Holmes, dissenting in *Northern Securities Co.* v. *United States*, 193 U.S. 197, 400–401 (1904):

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."

With all respect, I consider that the Court has been almost irresponsibly feverish in dealing with these cases.

Both the Court of Appeals for the Second Circuit and the Court of Appeals for the District of Columbia Circuit rendered judgment on June 23. The New York Times' petition for certiorari, its motion for accelerated consideration thereof, and its application for interim relief were filed in this Court on June 24 at about 11 a.m. The application of the United States for interim relief in the *Post* case was also filed here on June 24, at about 7:15 p.m. This Court's order setting a hearing before us on June 26 at 11 a.m., a course which I joined only to avoid the possibility of even more peremptory action by the Court, was issued less than 24 hours before. The record in the *Post* case was filed with the Clerk shortly before 1 p.m. on June 25; the record in the *Times* case did not arrive until 7 or 8 o'clock that same night. The briefs of the parties were received less than two hours before argument on June 26.

This frenzied train of events took place in the name of the presumption against prior restraints created by the First Amendment. Due regard for the extraordinarily important and difficult questions involved in these litigations should have led the Court to shun such a precipitate timetable. In order to decide the merits of these cases properly, some or all of the following questions should have been faced:

1. Whether the Attorney General is authorized to bring these suits in the name of the United States. Compare *In re Debs*, 158 U.S. 564 (1895), with *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1962). This question involves as well the construction and validity of a singularly opaque statute—the Espionage Act, 18 U.S.C. § 793(e).

2. Whether the First Amendment permits the federal courts to enjoin publication of stories which would present a serious threat to national security. See *Near* v. *Minnesota*, 283 U.S. 697, 716 (1931) (dictum).

3. Whether the threat to publish highly secret documents is of itself a sufficient implication of national security to justify an injunction on the theory that regardless of the contents of the documents harm enough results simply from the demonstration of such a breach of secrecy.

4. Whether the unauthorized disclosure of any of these particular documents would seriously impair the national security.

5. What weight should be given to the opinion of high officers in the Executive Branch of the Government with respect to questions 3 and 4.

6. Whether the newspapers are entitled to retain and use the documents notwithstanding the seemingly uncontested facts that the documents, or the originals of which they are duplicates, were purloined from the Government's possession and that the newspapers received them with knowledge that they had been feloniously acquired. Cf. *Liberty Lobby, Inc.* v. *Pearson*, 390 F. 2d 489 (CADC 1968).

7. Whether the threatened harm to the national security or the Government's possessory interest in the documents justifies the issuance of an injunction against publication in light of—

a. The strong First Amendment policy against prior restraints on publication;

b. The doctrine against enjoining conduct in violation of criminal statutes; and

c. The extent to which the materials at issue have apparently already been otherwise disseminated.

These are difficult questions of fact, of law, and of judgment; the potential consequences of erroneous decision are enormous. The time which has been available to us, to the lower courts,* and to the parties has been wholly inadequate for giving these cases the kind of consideration they deserve. It is a reflection on the stability of the judicial process that these great issues—as important as any that have arisen during my time on the Court—should have been decided under the pressures engendered by the torrent of publicity that has attended these litigations from their inception.

Forced as I am to reach the merits of these cases, I dissent from the opinion and judgments of the Court. Within the severe limitations imposed by the time constraints under which I have been required to operate, I can only state my reasons in telescoped form, even though in different circumstances I would have felt constrained to deal with the cases in the fuller sweep indicated above.

It is a sufficient basis for affirming the Court of Appeals for the Second Circuit in the *Times* litigation to observe that its order must rest on the conclusion that because of the time elements the Government had not been given an adequate opportunity to present its case to the District Court. At the least this conclusion was not an abuse of discretion.

In the *Post* litigation the Government had more time to prepare; this was apparently the basis for the refusal of the Court of Appeals for the District of Columbia Circuit on rehearing to conform its judgment to that of the Second Circuit. But I think there is another and more fundamental reason why this judgment cannot stand—a reason which also furnishes an additional ground for not reinstating the judgment of the District Court in the *Times* litigation, set aside by the Court of Appeals. It is plain to me that the scope of the judicial function in passing upon the activities of the Executive Branch of the Government in the field of foreign affairs is very narrowly restricted. This view is, I think, dictated by the concept of separation of powers upon which our constitutional system rests.

In a speech on the floor of the House of Representatives, Chief Justice John Marshall, then a member of that body, stated:

"The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.' Annals, 6th Cong., col. 613 (1800). From that time, shortly after the founding of the Nation, to this, there has been no substantial challenge to this description of the scope of executive power. See *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–321 (1936), collecting authorities.

From this constitutional primacy in the field of foreign affairs, it seems to me that certain conclusions necessarily follow. Some of these were stated concisely by President Washington, declining the request of the House of Representatives for the papers leading up to the negotiation of the Jay Treaty:

"The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers." 1 J. Richardson, Messages and Papers of the Presidents 194–195 (1899).

The power to evaluate the "pernicious influence" of premature disclosure is not, however, lodged in the Executive alone. I agree that, in performance of its duty to protect the values of the First Amendment against political pressures, the judiciary must review the initial Executive determination to

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* The hearing in the *Post* case before Judge Gesell began at 8 a.m. on June 21, and his decision was rendered, under the hammer of a deadline imposed by the Court of Appeals, shortly before 5 p.m. on the same day. The hearing in the *Times* case before Judge Gurfein was held on June 18 and his decision was rendered on June 19. The Government's appeals in the two cases were heard by the Courts of Appeals for the District of Columbia and Second Circuits, each court sitting *en banc*, on June 22. Each court rendered its decision on the following afternoon.

the point of satisfying itself that the subject matter of the dispute does lie within the proper compass of the President's foreign relations power. Constitutional considerations forbid "a complete abandonment of judicial control." Cf. *United States* v. *Reynolds*, 345 U.S. 1, 8 (1953). Moreover, the judiciary may properly insist that the determination that disclosure of the subject matter would irreparably impair the national security be made by the head of the Executive Department concerned—here the Secretary of State or the Secretary of Defense—after actual personal consideration by that officer. This safeguard is required in the analogous area of executive claims of privilege for secrets of state. See *United States* v. *Reynolds*, *supra*, at 8 and n. 20; *Duncan* v. *Cammell, Laird & Co.*, [1942] A. C. 624, 638 (House of Lords).

But in my judgment the judiciary may not properly go beyond these two inquiries and redetermine for itself the probable impact of disclosure on the national security.

"[T]he very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry." *Chicago & Southern Air Lines* v. *Waterman Steamship Corp.*, 333 U.S. 103, 111 (1948) (Jackson, J.).

Even if there is some room for the judiciary to override the executive determination, it is plain that the scope of review must be exceedingly narrow. I can see no indication in the opinions of either the District Court or the Court of Appeals in the *Post* litigation that the conclusions of the Executive were given even the deference owing to an administrative agency, much less that owing to a co-equal branch of the Government operating within the field of its constitutional prerogative.

Accordingly, I would vacate the judgment of the Court of Appeals for the District of Columbia Circuit on this ground and remand the case for further proceedings in the District Court. Before the commencement of such further proceedings, due opportunity should be afforded the Government for procuring from the Secretary of State or the Secretary of Defense or both an expression of their views on the issue of national security. The ensuing review by the District Court should be in accordance with the views expressed in this opinion. And for the reasons stated above I would affirm the judgment of the Court of Appeals for the Second Circuit.

Pending further hearings in each case conducted under the appropriate ground rules, I would continue the restraints on publication. I cannot believe that the doctrine prohibiting prior restraints reaches to the point of preventing courts from maintaining the *status quo* long enough to act responsibly in matters of such national importance as those involved here.

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SUPREME COURT OF THE UNITED STATES,
Nos. 1873 AND 1885.—OCTOBER TERM, 1970

NEW YORK TIMES CO., PETITIONER,
VERSUS UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, VERSUS THE WASHINGTON POST COMPANY ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[JUNE 30, 1971]

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS joins, concurring.

I adhere to the view that the Government's case against the Washington Post should have been dismissed and that the injunction against the New York Times should have been vacated without oral argument when the cases were first presented to this Court. I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment. Furthermore, after oral arguments, I agree completely that we must affirm the judgment of the Court of Appeals for the District of Columbia and reverse the judgment of the Court of Appeals for the Second Circuit for the reasons stated by my Brothers DOUGLAS and BRENNAN. In my view it is unfortunate that some of my Brethren are apparently willing to hold that the publication of news may sometimes be enjoined. Such a holding would make a shambles of the First Amendment.

Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the federal courts are asked to hold that the First Amendment does not mean what it says, but rather means that the Government can halt the publication of current news of vital importance to the people of this country.

In seeking injunctions against these newspapers and in its presentation to the Court, the Executive Branch seems to have forgotten the essential purpose and history of the First Amendment. When the Constitution was adopted, many people strongly opposed it because the document contained no Bill of Rights to safeguard certain basic freedoms.[1] They especially feared that the new powers granted to a central government might be interpreted to permit the government to curtail freedom of religion, press, assembly, and speech. In response to an overwhelming public clamor, James Madison offered a series of amendments to satisfy citizens that these great liberties would remain safe and beyond the power of government to abridge. Madison proposed what later became the First Amendment in three parts, two of which are set out below, and one of which proclaimed: "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; *and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.*"[2] The amendments were offered to *curtail* and *restrict* the general powers granted to the Executive, Legislative, and Judicial Branches two years before in the original Constitution. The Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech, religion, and assembly. Yet the Solicitor General argues and some members of the Court appear to agree that the general powers of the Government adopted in the original Constitution should be interpreted to limit and restrict the specific and emphatic guarantees of the Bill of Rights adopted later. I can imagine no greater perversion of history. Madison and the other Framers of the First Amendment, able men that they were, wrote in language they earnestly believed could never be misunderstood: "Congress shall make no law . . . abridging the freedom of the press . . ." Both the history and language of the First Amendment support the view that the press must be left free to publish news, whatever the source, without censorship, injunctions, or prior restraints.

In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In my view, far from deserving condemnation for their courageous reporting, the New York Times, the Washington Post, and other newspapers should be commended for serving the purpose that the Founding Fathers saw so clearly. In revealing the workings of government that led to the Viet Nam war, the newspapers nobly did precisely that which the Founders hoped and trusted they would do.

The Government's case here is based on premises entirely different from those that guided the Framers of the First Amendment. The Solicitor General has carefully and emphatically stated:

"Now, Mr. Justice [BLACK], your construction of . . . [the First Amendment] is well known, and I certainly respect it. You say that no law means no law, and that should be obvious. I can only say, Mr. Justice that to me it is equally obvious that 'no law' does not mean 'no law', and I would seek to persuade the Court that that is true. . . . [T]here are other parts of the Constitution that grant power and responsibilities to the Executive and . . . the First Amendment was not intended to make it impossible for the Executive to function or to protect the security of the United States."[3]

And the Government argues in its brief that in spite of the First Amendment, "[t]he authority of the Executive Department to protect the nation against publication of information whose disclosure would endanger the national security stems from two interrelated sources: the constitutional power of the President over the conduct of foreign affairs and his authority as Commander-in-Chief."[4]

In other words, we are asked to hold that despite the First Amendment's emphatic command, the Executive Branch, the Congress, and the Judiciary can make laws enjoining publication of current news and abridging freedom of the press in the name of "national security." The Government does not even attempt to rely on any act of Congress. Instead it makes the bold and dangerously far-reaching contention that the courts should take it upon themselves to "make" a law abridging freedom of the press in the name of equity, presidential power and national security, even when the representatives of the people in Congress have adhered to the command of the First Amendment and refused to make such a law.[5] See concurring opinion of Mr. JUSTICE DOUGLAS, *post*, at ——. To find that the President has "inherent power" to halt the publication of news by resort to the courts would wipe out the First Amendment and destroy the fundamental liberty and security of the very people the Government hopes to make "secure." No one can read the history of the adoption of the First Amendment without being convinced beyond any doubt that it was injunctions like those sought here that Madison and his collaborators intended to outlaw in this Nation for all time.

The word "security" is a broad, vague generality whose contours should not be invoked

Footnotes at end of article.

to abrogate the fundamental law embodied in the First Amendment. The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic. The Framers of the First Amendment, fully aware of both the need to defend a new nation and the abuses of the English and Colonial governments, sought to give this new society strength and security by providing that freedom of speech, press, religion, and assembly should not be abridged. This thought was eloquently expressed in 1937 by Mr. Chief Justice Hughes—great man and great Chief Justice that he was—when the Court held a man could not be punished for attending a meeting run by Communists.

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government." [6]

FOOTNOTES

[1] In introducing the Bill of Rights in the House of Representatives, Madison said: "[B]ut I believe that the great mass of the people who opposed [the Constitution], disliked it because it did not contain effectual provisions against the encroachments on particular rights. . . ." 1 Annals of Congress 433 (1834). Congressman Goodhue added: "[I]t is the wish of many of our constituents, that something should be added to the Constitution, to secure in a stronger manner their liberties from the inroads of power." *Id*, at 426.

[2] The other parts were:

"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed.

"The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying to the Legislature by petitions, or remonstrances, for redress of their grievances." 1 Annals of Congress 434 (1834). (Emphasis added.)

[3] Transcript of Oral Argument, at 76.

[4] Brief for United States, at 12.

[5] Compare the views of the Solicitor General with those of James Madison, the author of the First Amendment. When speaking of the Bill of Rights in the House of Representatives, Madison said: "If they (the first ten amendments) are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the Legislative or Executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights." 1 Annals of Congress 439 (1834).

[6] *DeJonge* v. *Oregon*, 299 U.S. 353, 365 (1937).

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES CO., PETITIONER, VERSUS UNITED STATES

UNITED STATES, PETITIONER, VERSUS THE WASHINGTON POST CO., ET AL.

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

MR. JUSTICE BLACKMUN.

I join MR. JUSTICE HARLAN in his dissent. I also am in substantial accord with much that MR. JUSTICE WHITE says, by way of admonition, in the latter part of his opinion.

At this point the focus is on *only* the comparatively few documents specified by the Government as critical. So far as the other material—vast in amount—is concerned, let it be published and published forthwith if the newspapers, once the strain is gone and the sensationalism is eased, still feel the urge so to do.

But we are concerned here with the few documents specified from the 47 volumes. Almost 70 years ago Mr. Justice Holmes, dissenting in a celebrated case, observed:

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure . . ." *Northern Securities Co.* v. *United States*, 193 U.S. 197, 400–401 (1904).

The present cases, if not great, are at least unusual in their posture and implications, and the Holmes observation certainly has pertinent application.

The New York Times clandestinely devoted a period of three months examining the 47 volumes that came into its unauthorized possession. Once it had begun publication of material from those volumes, the New York case now before us emerged. It immediately assumed, and ever since has maintained, a frenetic pace and character. Seemingly, once publication started, the material could not be made public fast enough. Seemingly, from then on, every deferral or delay, by restraint or otherwise, was abhorrent and was to be deemed violative of the First Amendment and of the public's "right immediately to know." Yet that newspaper stood before us at oral argument and professional criticism of the Government for not lodging its protest earlier than by a Monday telegram following the initial Sunday publication.

The District of Columbia case is much the same.

Two federal district courts, two United States courts of appeals, and this Court—within a period of less than three weeks from inception until today—have been pressed into hurried decision of profound constitutional issues on inadequately developed and largely assumed facts without the careful deliberation that, hopefully, should characterize the American judicial process. There has been much writing about the law and little knowledge and less digestion of the facts. In the New York case the judges, both trial and appellate, had not yet examined the basic material when the case was brought here. In the District of Columbia case, little more was done, and what was accomplished in this respect was only on required remand, with the Washington Post, on the excuse that it was trying to protect its source of information, initially refusing to reveal what material it actually possessed, and with the district court forced to make assumptions as to that possession.

With such respect as may be due to the contrary view, this, in my opinion, is not the way to try a law suit of this magnitude and asserted importance. It is not the way for federal courts to adjudicate, and to be required to adjudicate, issues that allegedly concern the Nation's vital welfare. The country would be none the worse off were the cases tried quickly, to be sure, but in the customary and properly deliberative manner. The most recent of the material, it is said, dates no later than 1968, already about three years ago, and the Times itself took three months to formulate its plan of procedure and, thus, deprived its public for that period.

The First Amendment, after all, is only one part of an entire Constitution. Article II of the great document vests in the Executive Branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the Nation's safety. Each provision of the Constitution is important, and I cannot subscribe to a doctrine of unlimited absolutism for the First Amendment at the cost of downgrading other provisions. First Amendment absolutism has never commanded a majority of this Court. See, for example, *Near* v. *Minnesota*, 283, U.S. 697, 708, (1931), and *Schenck* v. *United States*, 249 U.S. 47, 52 (1919). What is needed here is a weighing, upon properly developed standards, of the broad right of the press to print and of the very narrow right of the Government to prevent. Such standards are not yet developed. The parties here are in disagreement as to what those standards should be. But even the newspapers concede that there are situations where restraint is in order and is constitutional. Mr. Justice Holmes gave us a suggestion when he said in *Schenck:*

"It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right." 249 U.S., at 52.

I therefore would remand these cases to be developed expeditiously, of course, but on a schedule permitting the orderly presentation of evidence from both sides, with the use of discovery, if necessary, as authorized by the rules, and with the preparation of briefs, oral argument and court opinions of a quality better than has been seen to this point. In making this last statement, I criticize no lawyer or judge. I know from past personal experience the agony of time pressure in the preparation of litigation. But these cases and the issues involved and the courts, including this one, deserve better than has been produced thus far.

It may well be that if these cases were allowed to develop as they should be developed, and to be tried as lawyers should try them and as courts should hear them, free of pressure and panic and sensationalism, other light would be shed on the situation and contrary considerations, for me, might prevail. But that is not the present posture of the litigation.

The Court, however, decides the cases today the other way. I therefore add one final comment.

I strongly urge, and sincerely hope, that these two newspapers will be fully aware of their ultimate responsibilities to the United States of America. Judge Wilkey, dissenting in the District of Columbia case, after a review of only the affidavits before his court (the basic papers had not then been made available by either party), concluded that there were a number of examples of documents that, if in the possession of the Post, and if published, "could clearly result in great harm to the nation," and he defined "harm" to mean "the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate. . . ." I, for one, have now been able to give at least some cursory study not only to the affidavits, but to the material itself. I regret to say that from this examination I fear that Judge Wilkey's statements have possible foundation. I therefore share his concern. I hope that damage already has not been done. If, however, damage has been done, and if, with the Court's action today, these newspapers proceed to publish the critical documents and there results therefrom "the death of soldiers, the destruction

of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate," to which list I might add the factors of prolongation of the war and of further delay in the freeing of United States prisoners, then the Nation's people will know where the responsibility for these sad consequences rests.

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[Supreme Court of the United States, Nos. 1873 and 1885.—October Term, 1970]

NEW YORK TIMES CO., PETITIONER, VERSUS UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

UNITED STATES, PETITIONER, VERSUS THE WASHINGTON POST CO., ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 30, 1971]

MR. CHIEF JUSTICE BURGER, dissenting.

So clear are the constitutional limitations on prior restraint against expression, that from the time of *Near* v. *Minnesota*, 283 U.S. 697 (1931), until recently in *Organization for a Better Austin* v. *Keefe*,—U.S.— (1971), we have had little occasion to be concerned with cases involving prior restraints against news reporting on matters of public interest. There is, therefore, little variation among the members of the Court in terms of resistance to prior restraints against publication. Adherence to this basic constitutional principle, however, does not make this case a simple one. In this case, the imperative of a free and unfettered press comes into collision with another imperative, the effective functioning of a complex modern government and specifically the effective exercise of certain constitutional powers of the Executive. Only those who view the First Amendment as an absolute in all circumstances—a view I respect, but reject—can find such a case as this to be simple or easy.

This case is not simple for another and more immediate reason. We do not know the facts of the case. No District Judge knew all the facts. No Court of Appeals judge knew all the facts. No member of this Court knows all the facts.

Why are we in this posture, in which only those judges to whom the First Amendment is absolute and permits of no restraint in any circumstances or for any reason, are really in a position to act?

I suggest we are in this posture because these cases have been conducted in unseemly haste. Mr. JUSTICE HARLAN covers the chronology of events demonstrating the hectic pressures under which these cases have been processed and I need not restate them. The prompt setting of these cases reflects our universal abhorrence of prior restraint. But prompt judicial action does not mean unjudicial haste.

Here, moreover, the frenetic haste is due in large part to the manner in which the *Times* proceeded from the date it obtained the purloined documents. It seems reasonably clear now that the haste precluded reasonable and deliberate judicial treatment of these cases and was not warranted. The precipitous action of this Court aborting a trial not yet completed is not the kind of judicial conduct which ought to attend the disposition of a great issue.

The newspapers make a derivative claim under the First Amendment; they denominate this right as the public right-to-know; by implication, the *Times* asserts a sole trusteeship of that right by virtue of its journalist "scoop." The right is asserted as an absolute. Of course, the First Amendment right itself is not an absolute, as Justice Holmes so long ago pointed out in his aphorism concerning the right to shout of fire in a crowded theater. There are other exceptions, some of which Chief Justice Hughes mentioned by way of example in *Near* v. *Minnesota*. There are no doubt other exceptions no one has had occasion to describe or discuss. Conceivably such exceptions may be lurking in these cases and would have been flushed had they been properly considered in the trial courts, free from unwarranted deadlines and frenetic pressures. A great issue of this kind should be tried in a judicial atmosphere conductive to thoughtful, reflective deliberation, especially when haste, in terms of hours, is unwarranted in light of the long period the *Times*, by its own choice, deferred publication.

It is not disputed that the *Times* has had unauthorized possession of the documents for three to four months, during which it has had its expert analysts studying them, presumably digesting them and preparing the material for publication. During all of this time, the *Times*, presumably in its capacity as trustee of the public's "right to know," has held up publication for purposes it considered proper and thus public knowledge was delayed. No doubt this was for a good reason; the analysis of 7,000 pages of complex material drawn from a vastly greater volume of material would inevitably take time and the writing of good news stories takes time. But why should the United States Government, from whom this information was illegally acquired by someone, along with all the counsel, trial judges, and appellate judges be placed under needless pressure? After these months of deferral, the alleged right-to-know has somehow and suddenly become a right that must be vindicated instanter.

Would it have been unreasonable, since the newspaper could anticipate the government's objections to release of secret material, to give the government an opportunity to review the entire collection and determine whether agreement could be reached on publication? Stolen or not, if security was not in fact jeopardized, much of the material could no doubt have been declassified, since it spans a period ending in 1968. With such an approach—one that great newspapers have in the past practiced and stated editorially to be the duty of an honorable press—the newspapers and government might well have narrowed the area of disagreement as to what was and was not publishable, leaving the remainder to be resolved in orderly litigation if necessary. To me it is hardly believable that a newspaper long regarded as a great institution in American life would fail to perform one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret government documents. That duty, I had thought—perhaps naively—was to report forthwith, to responsible public officers. This duty rests on taxi drivers, Justices and the New York Times. The course followed by the *Times*, whether so calculated or not, removed any possibility of orderly litigation of the issues. If the action of the judges up to now has been correct, that result is sheer happenstance.[1]

Our grant of the writ before final judgment in the *Times* case aborted the trial in the District Court before it had made a complete record pursuant to the mandate of the Court of Appeals, Second Circuit.

The consequence of all this melancholy series of events is that we literally do not know what we are acting on. As I see it we have been forced to deal with litigation concerning rights of great magnitude without an adequate record, and surely without time for adequate treatment either in the prior proceedings or in this Court. It is interesting to note that counsel in oral argument before this Court were frequently unable to respond to questions on factual points. Not surprisingly they pointed out that they had been working literally "around the clock" and simply were unable to review the documents that give rise to these cases and were not familiar with them. This Court is in no better posture. I agree with MR. JUSTICE HARLAN and MR. JUSTICE BLACKMUN but I am not prepared to reach the merits.[2]

I would affirm the Court of Appeals for the Second Circuit and allow the District Court to complete the trial aborted by our grant of certiorari meanwhile preserving the *status quo* in the *Post* case. I would direct that the District Court on remand give priority to the *Times* case to the exclusion of all other business of that court but I would not set arbitrary deadlines.

I should add that I am in general agreement with much of what MR. JUSTICE WHITE has expressed with respect to penal sanctions concerning communication or retention of documents or information relating to the national defense.

We all crave speedier judicial processes but when judges are pressured as in these cases the result is a parody of the judicial process.

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[1] Interestingly the *Times* explained its refusal to allow the government to examine its own purloined documents by saying in substance this might compromise *their* sources and informants! The *Times* thus asserts a right to guard the secrecy of its sources while denying that the Government of the United States has that power.

[2] With respect to the question of inherent power of the Executive to classify papers, records and documents as secret, or otherwise unavailable for public exposure, and to secure aid of the courts for enforcement, there may be an analogy with respect to this Court. No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial measures may be required.

## PRESIDENT NIXON'S VETO OF THE PUBLIC WORKS ACCELERATION ACT

Mr. MOSS. Mr. President, the decision by President Nixon to veto the Public Works Acceleration Act of 1971 comes as a grave setback to those who have supported this legislation. It comes as a much greater setback to those communities of our Nation especially hard hit by high unemployment, who would have benefited most from the increased Federal assistance. To the hundreds of thousands of unemployed in these areas, to the many small businesses that would have gained from the increased purchasing power of their customers it comes as a bitter expression of Government disregard. It is to these people that the Nixon administration's economic "game plan" has become more and more to look like a "raw deal."

Last year the President vetoed the Manpower Training Act of 1970; now he has refused to sign accelerated public works. To date the Nixon administration has rejected every effort to deal with the Nation's unemployment problem directly. With 6.2 percent of the labor force, 5 million workers looking for jobs but unable to find them, it has vetoed a proposal which would have given work to hundreds of thousands through direct public works employment and through the expansionary effect of this legislation on the rest of the economy.

The value of accelerated public works to my home State of Utah would have been substantial. Under similar legislation in the Kennedy administration the State completed needed projects in water and sewage treatment, conservation, and wildlife preservation, fisheries development, and land treatment. I have made recent estimates which show that over $25 million in such projects upon which planning is complete require only further Federal funding to begin work. Due to President Nixon's action, these projects will have to wait. Those who would have received useful employment in this work of lasting value to their communities will also have to wait.

## PROVIDING FIRST QUALITY MEDICAL CARE FOR DISABLED VETERANS: HIGHER FISCAL YEAR 1972 APPROPRIATIONS FOR THE VETERANS' ADMINISTRATION

Mr. CRANSTON. Mr. President, yesterday, June 29, I testified before the Subcommittee on Housing, Urban Development, Space, Science, and Veterans' Appropriations of the Appropriations Committee, recommending the addition of approximately $391 million to the fiscal year 1972 original budget request for the Veterans' Administration. About $358 million of this would be for the VA hospital and medical program. I was most cordially received by the distinguished subcommittee chairman, the Senator from Rhode Island (Mr. PASTORE) and the distinguished ranking minority member, the Senator from Colorado (Mr. ALLOTT) and was delighted to accept their generous invitation to work with them personally on my individual recommendations in detail.

Mr. President, of the $391 million additional I am recommending, almost $20 million—$19.76 million has been requested by the administration in recent budget amendments—making my recommendation about $371 million above the President's amended VA budget, including about $344 million for the VA hospital and medical program.

Of the $391 million I am recommending, the Appropriations Committee in the other body has recommended adding—or will do so on the floor today, I believe—a total of almost $140 million, making my recommendation about $250 million higher than the bill likely to be passed by the House today—about $224 million of which is for the VA hospital and medical program.

Included in my recommendations, Mr. President, was a total of $21,120,000 for veteran drug addiction and drug abuse treatment and rehabilitation over and above the $14.1 million proposed for the VA by the President in his June 17, 1971 omnibus drug control message. These additional funds would be double the proposed VA capacity—6,000 patients annually—to 12,000 patients in treatment and rehabilitation for drug addiction annually.

I beseeched the subcommittee to do all in its power to direct the VA to begin immediately to gear up for the comparatively large increase proposed by the President—from five to 32 drug treatment centers—let alone the doubling I propose—in order to give some instant substance to all the rhetoric and concern expressed about the drug addiction epidemic, which, according to reports of testimony yesterday by Dr. Jerome H. Jaffee, the President's newly appointed "drug czar," has already claimed, 25,000 recent veterans now back in the United States. Expansion of the VA's shockingly meager current program of specialized drug treatment—now about 220 patients at five drug centers with about 115 on the waiting lists there—must not be permitted to await final enactment of the HUD, space, sciences, veterans fiscal year 1972 appropriations bill.

Mr. President, because I know of the great concern which so many Senators have expressed to me about the hospital and medical program for our disabled veterans, I ask unanimous consent that the complete text of my June 29 testimony yesterday and the four appendixes submitted with my statement, Appendix I and IV of which capsulize the thrust and effect of my dollar recommendations, be printed in the RECORD.

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

STATEMENT OF SENATOR ALAN CRANSTON, DEMOCRAT, OF CALIFORNIA, CHAIRMAN, HEALTH AND HOSPITALS SUBCOMMITTEE, COMMITTEE ON VETERANS AFFAIRS, BEFORE THE SUBCOMMITTEE ON HOUSING, URBAN DEVELOPMENT, SPACE SCIENCE, AND VETERANS APPROPRIATIONS, COMMITTEE ON APPROPRIATIONS—THE FISCAL YEAR 1972 BUDGET FOR THE VETERANS' ADMINISTRATION, JUNE 29, 1971

Mr. Chairman and distinguished members of the subcommittee, I thank you for giving me the opportunity to testify before you again, this year on the FY 1972 budget for the Veterans' Administration. Attached to my statement are four Appendices presenting supplementary materials for your consideration: Appendix I is a narrative of my recommendations; Appendix II contains backup justification for certain items in Appendix I; Appendix III contains representative excerpts from our VA Hospital Crisis Hearings of April 27, 28, and 29, 1971; and Appendix IV contains comparative appropriation bill figures for the VA's request to the Office of Management and Budget, the President's budget request, and my recommended additions.

I also am making available to you and your staff a set of reports (not yet published) covering our April 27–29 and June 15 and 23, 1971 (veterans drug addiction) hearings, as well as two documents (prepared by the House Veterans Affairs Committee) regarding my General Operating Expenses recommendations. I would appreciate return of these (to 4230 NSOB) at your earliest convenience.

I had hoped last year that all would be well in VA medicine by now. I am extremely grateful to Chairman Pastore and ranking minority member Allott for all their great cooperation last year and again this year with respect to the VA FY 1971 appropriation. I know all veterans of America join me in thanking them, as well as the full Committee Chairman, Senator Ellender, and the ranking minority member, Senator Young, for their great concern and compassion for our disabled veterans.

Most of my recommendations deal with the VA hospital and medical program and grow out of my experience last Congress as Chairman of the Veterans Affairs Subcommittee of the Labor and Public Welfare Committee and this Congress during five days of hearings as Chairman of the Health and Hospitals Subcommittee of the new Veterans Affairs Committee.

My basic recommendations this morning are that you add the following amounts to the following appropriation items: Medical care—$331,020,000; Medical and Prosthetic Research—$18,216,184; Medical Administration and Miscellaneous Operating Expenses—$1,100,000; Construction of Hospital and Domiciliary Facilities—$7,860,000; and General Operating Expenses—$32,740,000. This is a total recommended addition of $390,936,184, of which $358,196,184 is for the first four items—the VA hospital and medical program.

A. MEDICAL CARE

I believe you all are generally aware of the events leading up to the widespread national concern that developed last spring over conditions in VA hospitals. Our Veterans Affairs Subcommittee held seven days of oversight hearings which culminated in my appearance before your subcommittee on May 27, 1970, and, with your support, ultimately resulted in the appropriation of an additional $105 million for the VA medical care item.

Unfortunately, as I spelled out in my May 7, 1971 letter to Chairman Pastore, "not one penny of the $105 million was spent for adding the doctors, nurses, or other health and housekeeping personnel so urgently needed" in VA hospitals. Again, thanks to your great assistance, we have added $8 million in supplemental FY 1971 funds (P.L. 92–18) which has enabled the V.A. to hire as of this date 6,443 new hospital personnel; 381 physicians, 16 dentists, 1,198 nurses, 1,270 L.P.N.s and Nursing Assistants and 3,578 other health and housekeeping personnel and to receive commitments for employment from approximately 2,200 others—a grand total of 8,644.

As I emphasized in my May 7 letter and May 19 floor statement calling for this supplemental funding, we must now provide the funds to pay the full FY 1972 salaries of these 8,644 new employees. Otherwise, we have only somewhat speeded up recruitment but make no lasting improvement in the quality of VA health care. Annualization of these 8,644 salaries (FTEE), requires approximately $97.5 million at the applicable FY 1972 average salary of $11,279.

The FY 72 request for the medical care item, although nominally $124.7 million ($138.5 million with the special drug treatment money) more than appropriated for FY 1971, is in no way a step ahead. About half of the increase has already been eaten up by inflation in fixed charges on capital items, such as utility charges. Half of the remaining $60 million or so has already been largely eroded by realization of a higher average salary per employee than budgeted. Thus, the V.A. now has no funds for 2,518 new employees (FTEE) who were included in the FY 1972 budget. This eliminates fully two-thirds of the FTEE increase (3,823) projected in the budget request.

Moreover, I wish to stress that the $97.5 million for the new employees' salaries are absolutely necessary over and above the $120 million which the House Appropriations Committee has recommended be added for medical care in order to forestall a drastic cutback to 79,000 in the average daily census. I applaud the House Committee's action in this respect and in mandating an 85,500 minimum average daily census in the bill (although 84,500 would probably be more realistic and preferable), and I commend both these actions to you for approval.

On the question of the census cutback in the FY 1972 budget, I agree philosophically with what I understand the Chairman and Senator Hruska said at last week's hearing with the Administrator on the BA budget: that a minimum census requirement may run counter to sound medical judgment and that the admission or discharge of a patient

to a VA hospital is properly left to a physician's professional judgment. Indeed, that is just my point about the census cutback.

The Office of Management and Budget—to save money and cut back the VA—has arbitrarily required this cutback to 79,000 from a cumulative projected census of about 84,500 for FY 1971. No medical judgment is involved in this decision. Quite the opposite, it is contrary to medical judgment. When during this fiscal year physicians were left to decide how best to handle admissions and discharges of sick veterans, the VA cumulative average daily census through April 1971 was running at 84,647—far above the FY 1971 budget estimate of 83,000.

During this period, the VA was experiencing an almost unprecedented level of demand, as evidenced by record high monthly applications for hospitalization and actual hospital admissions and the highest waiting list for domestic VA hospitals in four years. That is why the VA budget submission to the O.M.B. was premised on an average daily census of 84,371, not 79,000 for FY 1972. And that is why a minimum census, such as the House inserted, is absolutely necessary.

Otherwise, there is only one way that this census cutback will be, and is already being, implemented; that is, by closing beds and wards. To illustrate this beyond any doubt, I refer the subcommittee to the first exhibit in Appendix II which shows the Birmingham, Alabama VA Hospital Chief of Medical Service recommending closure of 58 beds (including 23 beds in one full ward) "in compliance with the recent order to reduce the VA operating bed capacity. . . ." This hospital has been authorized an FY 1972 average daily census of 382 as compared with a 410 FY 1971 authorized level and an actual census running around 450. (Although this hospital may decide finally not to close down the 23-bed ward, the point is that its administrators believed they needed to do so, and many others are closing, or already have closed, comparable wards.)

Let us be perfectly clear that the $120 million and the minimum census requirement both are predicated on the notion of the VA hospital system standing still. Indeed, the $120 million is a restoration of the exact amount cut from the VA's medical care submission by O.M.B. The VA medical program cannot really stand still. It either goes forward or deteriorates by trying to hold the line. It is that process of deterioration, I fear, that the Office of Management and Budget forecasts for the VA medical program. It cut $188 million from the VA hospital and medical budget, and has placed a freeze on all VA new construction.

The $120 million will sustain the census at the level of staffing and overall care provided in FY 1971. It is quantitative, and not qualitative. The need for improvement in the quality of care is at least as great today as it was one year ago when I testified. This was made abundantly clear in our VA Hospital Crisis hearings in April. I call the subcommittee's attention to Appendix IV containing excerpts from those hearings and to the full record which I am making available to you prior to printing.

Appendix II, second item, contains the most appalling and tragic evidence of inadequate care yet submitted to us: four statements from physicians at the Wadsworth VA hospital detailing the deaths of three veteran patients and the near deaths of two others in January, and February of this year to inadequate staffing and equipment. The shortages of the most basic types of life-saving devices at Wadsworth Hospital, attested to by these statements and numerous others submitted at the hearings, underscores my recommendation for $52 million more to eliminate equipment purchase ($27 million) and maintenance and repair ($25 million) backlogs.

Likewise, the enormous fee dental backlog I called to your attention a year ago (45,000 examinations and 8,600 treatments plus 25,000 new exams and 20,000 new treatments) was of the same magnitude as the 60,000 examinations and 30,000 treatments backed up now as we enter FY 1972. This backlog remains even after expenditure of $31 million above the FY 71 budget request taken from the $105 million added by this subcommittee. You may not recall it clearly, but the record clearly shows that the Administrator of Veterans Affairs last June in rebuttal to my testimony firmly protested that he couldn't use any more fee dental money. For that matter, he also said he could not use any more equipment or maintenance and repair funding—I recommended $22 million and $24.6 million, respectively. But the V.A. proceeded to spend $20.2 million and $5 million, respectively, for those two purposes from the $105 million we added to the budget.

I trust the committee will regard similar protests this year with such credence as last year's experience warrants—none.

Under the medical care item I recommend an addition of $21,120,000—in addition to the $13.8 million requested by the administration pursuant to the President's Omnibus Drug Control Message—to open 28 more drug treatment centers than the 32 proposed in that message. These funds would include $5 million for contracts with non-VA drug rehabilitation programs for treatment and outreach purposes.

Our hearings these past two weeks indicated how great is the need—80,000 to 90,000 veteran addicts needing care during FY 1972—and how comparatively small would be the VA's treatment capacity to meet this need—6,000 patients by the end of the fiscal year. Right now the budget of just the City of New York for drug rehabilitation is about $85 million and the state of New York spends annually a sum equivalent to the full $155 million the President is requesting.

I need not further dramatize or elaborate the trials of the addict and his effect on himself and society. It should be enough that the VA has the ability to do more to fight this awful epidemic—persons to staff units are unusually available now—which all agree has reached national crisis proportions. By adding this additional money, we would be providing for the treatment and rehabilitation of another approximately 6,000 veteran addicts.

As the VA drug program expands, we must take full advantage of the expertise acquired to wage the far broader fight against alcoholism. According to the former Assistant Secretary of H.E.W. for Health and Scientific Affairs, alcoholism is America's number one health problem. And according to the VA Chief Medical Director, there are approximately 1.3 million veteran alcoholics or alcohol abusers, most all of whom are eligible for VA hospital care. Yet the VA now has capacity to treat only about 12,000 alcoholics annually. The funds I urge be added would double the VA's present treatment capability to 24,000 annually.

Appropriate administrative moneys to support these increases in drug and alcohol treatment are also covered (Appendix I, items C.2 and 3).

I also recommend we pick up where we left off last year with regard to the staff/patient ratios on Spinal Cord Injury units. Staffing has improved somewhat since we focused national attention on the paralyzed veteran's plight last year. As of March 1971, the average staffing had reached 1.21 to 1 as compared with 1.02 to 1 a year before, and further increases to 1.7 to 1 are anticipated during FY 1972. My recommendation would provide for another 340 employees (FTEE) to raise the ratio to 2.0 to 1—the level set as a goal by the VA—which still is considerably lower than the 2.17 to 1 ratio in a comparable non-VA facility in New York.

Finally, under the medical care item, in view of the aging World War II population—the average age of hospitalized veterans is 54 years—I recommend converting 1,000 more VA beds for nursing care use.

B. MEDICAL AND PROSTHETIC RESEARCH ITEM

My total recommendation for research is an additional $18,216,184—about $10 million more than O.M.B. cut from the VA submission to it. I have very carefully investigated this item and particularly call the committee's attention to the detailed justification in Appendices II and III for this item (B). The VA research budget request for FY 72 is regressive, as the VA Chief Medical Director and Controller testified before you last week. I strongly believe that a strong VA research program will contribute very importantly to improved patient care—especially regarding drug treatment—both directly and indirectly by strengthening the now eroding relationships and affiliations between VA hospitals and medical schools and helping the VA recruit top flight professionals.

C. MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES ITEM

I recommend an additional $1,100 million for MAMO, which the O.M.B. cut by $99,000. All of my recommendations are necessary to carry out expansions of other programs I am recommending—drug and alcohol treatment and design of hospital air conditioning. They are adequately explained in Appendices II and III (item C).

D. CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES ITEM

It is now one year later and the VA has proceeded with air conditioning designs for only four of the 43 hospitals I cited last year as unair-conditioned but qualified for air conditioning. It is no answer at all to sweltering patients to say that a particular hospital in the South—such as Gulfport, Mississippi; Amarillo, Bonham and Temple, Texas; North Little Rock and Fayetteville, Arkansas; and Columbia, South Carolina—is scheduled for air conditioning or even replacement five years hence. These hospitals should be air conditioned *now*.

Also, there are six VA hospitals ready, willing and able to undergo replacement if only The White House and O.M.B. would lift the VA construction freeze. Despite interim alterations and improvement in certain facilities at the Bronx, N.Y., and Wadsworth, Los Angeles, hospitals which I talked about last year, these two facilities—Wadsworth constructed in 1927 and the Bronx in 1901 and 1941—are absolutely unsuited for providing modern or even semi-modern medical care. The same is true for the hospitals at Augusta, Georgia (1920); Columbia, South Carolina (1932); and Martinsburg, West Virginia, and Richmond, Virginia (both early 1940's temporary Army hospitals turned over to the VA in 1946). Replacement hospital planning and designs for these obsolete facilities are years overdue and should get underway this fiscal year.

I am recommending an addition of only $7.86 million more for construction even though (1) there is a far greater need than that; (2) O.M.B. cut the VA by $59,964,000 for this item and (3) the VA in FY 1971 obligated $30 million more than is proposed for obligation ($90 million) in FY 1972. My caution on construction is because I believe that O.M.B. may very well hold up indefinitely allotment or even the amount already in the budget and thereby let the system deteriorate with the effect that more and more hospitals will become underutilized and eventually be closed down. But I think proceeding with these air conditioning and replacement designs is a matter of high priority and Congress should go on record in that regard for

the veterans receiving inadequate care due to these outdated physical facilities.

E. GENERAL OPERATING EXPENSES ITEM

This is the only non-medical item in my recommendations. Altogether I urge that $32.74 million be added. I fully described the need for the Outreach Services Program in my testimony last year and as the author of that program in P.L. 91-219. At our Veterans Affairs Subcommittee hearings on Unemployment and Overall Readjustment Problems of Returning Veterans on November 25, the Administrator of Veteran Affairs admitted that employment had been increased in contact work only about 5 percent since that program became law. The need remains great to reach out to the educationally disadvantaged veteran and urge him to enter training or education or help him to find a job. Now, only 9 percent of high school dropouts use their GI bill benefits.

The bulk of the $11 million I recommend for data management are fully justified as cost effective expenditures in Appendices I and II (Item E.2).

Finally, I recommend $9.2 million to meet the very pressing need for more field office personnel to process applications, conduct property appraisals and generally expedite benefit work at VA Regional Offices. The need for this staff is fully documented in the House Veterans Affairs Committee survey, a full copy of which is submitted for your study, and in the material in Appendices I and II (Item E.1). Since the administration has now requested $5.6 million more for 407 additional such staff (FTEE), my recommendation on this part of this item is only for $3.6 million additional (or $2.2 million if Chairman Teague succeeds in raising that amount to $7 million on the House floor).

One final thought: this Wednesday, June 30, the other body is scheduled to take up H.R. 9382, the HUD, Space, Veterans Appropriation bill, which at a minimum will include $139.8 million above the original President's budget. I am sure you will all agree that it is vitally important for the VA now to take full advantage of the unique recruitability of qualified personnel available for the next several months, especially for the new drug treatment centers. I strongly urge the Subcommittee to add to the next continuing resolution authorization for the VA to expend funds in FY 1972 at the House-passed level (assuming the VA does not yet have its appropriation by early August)

Mr. Chairman, related to this point is the need for the VA to begin immediately to expand its drug treatment program, as the President has proposed and I have most urgently recommended this morning. The VA is now providing comprehensive drug treatment to only about 220 veterans in- and outpatient at its 5 drug centers. I beseech you to do all you can—through direct communication to the Administrator of Veterans' Affairs, Committee Report language and whatever additional means are available to you—to authorize and direct that the full drug treatment buildup begin without any delay for the FY 72 Appropriations process to be completed. I remember, along with you, last year's experience with the bill's veto and enactment deferred until December 17. Any such delay—indeed any delay—in maximum gearup to treat the thousands of addicted veterans already on the streets, or soon to be there following discharge from service, would be a national tragedy and disaster after all the rhetoric that has surrounded this drug issue.

In closing I want to pay special tribute and thanks to the Chairman of the House Veterans Affairs Committee, "Tiger" Teague, for his and his staff's always great cooperation with me in this effort and so many other matters.

That concludes my statement, Mr. Chairman. I thank all of you for your most serious consideration of my recommendations and would be delighted to answer any questions you may have.

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APPENDIX

(Additional funds for V.A. FY 1972 appropriation in H.R. 9382, Department of Housing and Urban Development; Space, Science, Veterans, and certain other independent agencies appropriation bill, 1972—recommended by Senator ALAN CRANSTON, June 29, 1971).

A. MEDICAL CARE ITEM

1. Funds to Continue Average Daily Patient Census at 84,500 (included in House amendment), $120,000,000.

2. Funds to support in full FY 1972 8,644 staff added through FY 71 supplemental $8,000,000 (FTEE 8,644), $97,500,000.

3. Funds for Drug Training Centers (above $13,800,000 VA request added by House) to provide 28 additional new centers (at $540,000 per center = $16,120,000) to treat 5,600 more addicted veterans plus funds for contract care in community facilities and increased outreach work (5,000,000), $21,120,000.

4. Funds for Alcohol Treatment Centers to provide 40 new centers (at generally about $416,500) and upgrade 32 existing centers (at from $19,000 to $67,000) to treat 12,000 more alcoholic veterans, $16,500,000.

5. Funds for Spinal Cord Injury Unit Staffing to bring SCI units staff-patient ratio up to V.A. recognized desirable level of 2:1 by adding 340 FTEE (rather than projected 1.7:1) by end of FY 1972, $3,400,000.

6. Funds to eliminate equipment ($27,000,000) and maintenance and repair ($25,000,000) backlogs, $52,000,000.

7. Funds to eliminate fee dental ($21 per examination) backlog of 60,000 cases (30,000 of whom all require treatment, $14,500,000.

8. Funds to activate 1,000 additional nursing care beds (through conversion of unused present hospital beds; administration requested funds to increase average daily patient census 811), $6,000,000.

Total, $331,020,000.

B. MEDICAL AND PROSTHETIC RESEARCH

1. Funds to establish 7 drug dependence research centers in conjunction with expanded V.A. drug treatment and rehabilitation effort (3 centers at $500,000 and 4 centers at $250,000), $2,500,000.

2. Funds to maintain current program level (capital items inflation increase of 4.4%—$702,000; average salary increase of $185 per employee over FY 1971—$685,000), $1,387,000.

3. Funds to provide 10% growth in ongoing research (increase of 370 FTEE employment—$6,460,000; average salary increase over FY 1971—$754,000; capital items inflation—$685,000), $7,899,000.

4. Funds to activate 7 new research facilities (FTEE 288 employment at Cincinnati, Columbia, Mo., Denver, Oklahoma City, San Diego, Tampa and Washington, D.C. VA hospitals), $2,930,184.

5. Funds to research psychological readjustment problems of returning Indochina veterans (designed to decrease long-term hospitalization need), $3,500,000.

Total, $18,216,184.

C. MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES ITEM

1. Funds to support Central Office personnel (6 FTEE) and training ($6,800 per unit) for 28 additional drug treatment units (recommended in item A.3, above), $300,000.

2. Funds to support comparable costs for 40 new and 36 upgraded alcohol treatment units (recommended in item A.4, above), $300,000.

3. Fund 25 more architects/engineers to carry out 33 new air conditioning designs (recommended in item D.1 below; at $20,000 per position—only 6 additional designs can be made by present staff), $500,000.

Total, $1,100,000.

D. CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES ITEM

1. Funds to expedite design for air conditioning of 39 V.A. hospitals (listed in Appendix II; at $140,000 per design), $5,460,000.

2. Design plans for replacement hospitals at 6 sites (Augusta, Ga.; Bronx, New York; Columbia, S.C.; Martinsburg, W. Va.; Richmond, Va.; and Los Angeles, California (Wadsworth); at 8% of estimated cost), $2,400,000.

Total, $7,860,000.

E. GENERAL OPERATING EXPENSES ITEM

1. Fund 820 additional FTEE employees at VA Regional Offices (for contact, CPEE, Loan Guaranty, Legal, Administrative, and Finance personnel which Regional Offices advised House Committee were needed to process increased workloads; alternative is overtime which is 30% more expensive; administration in new budget amendment has requested $5,600,000 more for 407 more FTEE), $9,200,000.

2. Fund additional personnel (FTEE) and purchase rather than lease $10,000,000 worth of computer equipment for Department of Data Management (to meet increased demands of D, M&S and D.V.B.), $11,000,000.

3. Implement new "Outreach Services Program" of P.L. 91-219 (VA estimate in comment on proposed bill was $25,078 252; 2 years allowed for implementation), $12,540,000.

Total, $32,740,000.

Grand total, $390,936,184.

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PROPOSED INCREASE TO RETAIN AVERAGE DAILY PATIENT CENSUS

1. In compliance with the recent order to reduce the VA operating bed capacity, the members of the Department of Medicine have agreed that probably the best approach is to close the following areas:

(1) 6-South—Tuberculosis ward. We plan to reduce the operating bed capacity from 40 to 10 beds. This is a tragic decision but necessary because most patients admitted to this hospital are acutely ill.

(2) Close 9-South. Beds on this ward, which were formerly used for rheumatology, immunology, and renal patients, will be closed. These patients will be admitted to general medicine.

(3) 7-North. Five beds will be closed on the Neurology Service. This will leave 12 operational beds for neurological patients.

(4) The General Medical Service will remain intact.

2. This decision is regrettable and was made after considerable deliberation for the following reason. The turn-over rate on Medicine is approximately 14 beds, if we do not include the patients on the TB ward. Most of our patients have acute medical problems, i.e., myocardial infarctions, diabetic coma, etc. Our choice was simple. We must care for the acutely ill rather than the chronically ill.

THOMAS W. SHEEHY, M.D.

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PROPOSED ANNUALIZATION OF END FISCAL YEAR 1971 STAFFING INCREASE AND FUNDING TO ELIMINATE EQUIPMENT AND M. & R. BACKLOGS

During the evening January 29, 1971, there were four acutely ill patients in the "bleeding room" of AGE (Gastroenterology). Primarily responsible for these patients were two aides whose duties include vital signs usually every two hours, irrigation of nasogastric tubes, changing and checking I.V's and recording all this data. There is no facility for lighting this room without turning on all the ward lights; therefore most of the work is done either in poor light or by flash-

light. Although these aides are very hard workers, they are not trained properly for such important work, and since the RN must also cover AGW, she is not readily available.

Mr. Nathan Weitz, a 78 year old man was a disposition problem who probably also had a cerebral vascular accident and pneumonia. Throughout the evening his blood pressure was falling and his temperature rising. It was not until his blood pressure had fallen from 180/90 to 120/0 at 5:00 a.m. that the house officer was notified and even then, he was not told of the high temperature. It is obvious that poor staffing and inadequate working facilities are present in such an important part of the hospital and that patients will be the ones to suffer.

Mr. Weiz died at 8:15 a.m. on January 30, 1971.

ALAN WIRTZER, M.D.,
*Intern in Medicine.*

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MEMORANDUM

I would like to cite in this memorandum certain events which took place in the Respiratory Care Unit of Wadsworth Hospital between February 10 and February 12, 1971 and elsewhere in this hospital during the week of February 10 and February 16, 1971. My purpose is to illustrate the deficiencies in both properly functioning respiratory equipment and numbers of adequately trained personnel, which I feel has resulted in the delivery of substandard medical care to large numbers of veterans.

1. COMPRESSED AIR AND OXYGEN SOURCE RELIABILITY

On February 10, 1971 two critically ill patients with respiratory and cardiac disease expired in the Respiratory Care Unit despite vigorous efforts to resuscitate them. Subsequently malfunctioning of several of the artificial respirators in the unit was discovered. The major difficulty preventing proper respirator function proved to be marked loss of and variability of pressures in the compresed air and oxygen lines necesary to drive the respirators. Compressed air and oxygen are fed into the unit via lines which ultimately connect with storage tanks located outside of the R.C.U. proper. These tanks supply compressed air and oxygen to various other areas in the hospital. Variability in line pressure may result from excessive utilization elsewhere in the hospital . . . for example in the dental clinic or from inadequate pressures in the main tanks, leaks in feeding lines, etc. Unfortunately there is no way to independently regulate and assure constant and adequate air and oxygen pressures inside the respiratory care unit; nor are there adequate emergency back-up facilities to insure continuous air and oxygen at proper pressures should the central systems fail. Between February 10 and February 12 marked drops in compressed air and oxygen pressures were noted, impairing proper respirator function and as a result adversely affecting survival of the several patients who required continuous artificial respiration to support life.

2. EQUIPMENT DEFICIENCIES

On February 11, 1971 and February 12, 1971 several vital pieces of equipment malfunctioned or failed completely, including: one Bird Respirator, three air-mix cartridges, vital for proper respirator function, three ultrasonic nebulizers, one Bennett Spirometer and one Wright Spirometer. Although there are a few back-up respirators, these are not readily adaptable for R.C.U. use. There are no back-up air-mix cartridges and inadequate numbers of other back-up equipment for emergency use. Fortunately, in spite of marked delays in repairing existing equipment, no additional patients expired between February 11 and February 12.

3. EQUIPMENT SERVICE AND SUPPORT

In addition to the lack of properly functioning back-up equipment for use in emergencies, there is presently no arrangement for regular servicing of existing equipment. Such servicing is absolutely necessary. Considering the fact that existing equipment is utilized almost continuously, seven days a week, it is only fortuitous that additional catastrophes such as occurred between February 10 and February 12 have not occurred in recent months.

4. STAFFING

An additional and important problem directly affecting patient care is lack of adequate numbers of nurses and aids. It is usual to have one registered nurse and one or two aids on duty in the R.C.U. between 3:00 pm and 7:00 am. Two critically ill patients can barely be given adequate nursing care with this number of personnel. However, it is usual to have three or four critically ill patients in the R.C.U. at any one time. Consequently in spite of, in most instances, outstanding efforts by the existing personnel, inadequate patient care often results.

5. LACK OF PROPER FACILITIES FOR INTENSIVE RESPIRATORY CARE ELSEWHERE IN THIS HOSPITAL

The glaring inability of our hospital to provide proper respiratory (and other intensive care) to all of the many deserving veterans goes far beyond the respiratory care unit. There are only four beds in the R.C.U., usually far too few to accommodate the many patients requiring intensive respiratory care. Unfortunately, proper facilities do not exist in our hospital outside of the R.C.U. to care for these patients. Most of the general medical and other wards have insufficient numbers of proprely trained nurses and aids and equipment to properly care for critically ill patients with respiratory or other diseases. Several examples can be cited:

(a) Mr. O. K., a patient on ward B–1–W with well controlled chronic renal disease was doing well until acquiring a severe bilateral pneumonia. He was treated vigorously with existing equipment. The major difficulties encountered were in assuring adequate but at the same time known concentrations of oxygen and in assuring adequate ventilation—that is, respirations of sufficient depth to supply enough oxygen to portions of lung still capable of functioning. These difficulties would have been largely surmounted if two relatively inexpensive but vital pieces of equipment had been available. The first, an oxygen-air mixing cartridge would have allowed the administration of known and fairly constant concentrations of oxygen. It is important to avoid wide fluctuations in oxygen concentrations because with excessive concentrations toxic damage to the lungs is rapidly produced. With concentrations that are too low, damage to all tissues in the body, particularly heart and brain, results. The second essential but unavailable item is a spirometer, a simple device which records the amount of oxygen-rich air that actually reaches the air-exchange units of the lung per breath or per minute.

Primarily because of lack of such equipment outside of the respiratory care unit (which was filled with patients at the time) this particular patient did not receive proper respiratory care. He expired February 16, 1971.

(b) There were at least two other instances in which lack of the availability of the equipment described above impaired the survival of critically ill patients outside of the R.C.U. during the week of February 10, 1971 through February 16. One patient, Mr. H. M., a seriously ill cardiac patient in the coronary care unit with respiratory complications almost expired because of the latter. His survival can only be attributed to the enormous efforts expended by the already overworked doctors and nurses in charge of his care. Another patient, W. B., with primary urologic problems but complicating pneumonia after surgery, almost succumbed to his respiratory infection. Again the problems were, for the most part, lack of proper equipment, and in this case, insufficient nursing personnel. Fortunately, the patient is slowly recovering at this time.

The answers to the above problems seem obvious. Wadsworth Hospital must have more nurses and aids and specifically, personnel trained in the modern management of critically ill patients. We need more properly functioning respirators and ancillary equipment for both routine and back-up use. We need regular servicing of this equipment.

It need not be underscored that our present "make-do" approach has failed. Only the virtually super-human effort of the nurses and doctors have aborted other emergencies. The present servicing arrangement and lack of equipment back-up has created such a frustrating situation that the toll in nursing morale may become insurmountable. But most importantly it is only a matter of time until further tragedies are repeated.

The responsibility for these incidents must rest squarely with those who have continued to ignore this and other warnings and recommendations of the staff of this hospital.

LAWRENCE KRUGMAN, M.D.,
*Resident in Medicine.*

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MEMORANDUM

Mr. Arthur Ford was admitted to Wadsworth on 12/13/71 with a diagnosis of chronic renal failure which was fairly well compensated with diet and occasional koyexalate. While awaiting indefinitely for placement into an extended nursing care situation and because of the nursing shortage on this ward, the patient was not given adequate oral fluids and died from dehydration aggravating his renal disease. It is intolerable that someone should die because of lack of personnel to give an occasional glass of water.

WILLIAM D. BEZDEK, M.D.,
*Junior Medical Resident.*

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On February 18, 1971 Mr. Henry W. Schmeir, SS No. XXXXXXXXXX underwent open heart surgery for rheumatic heart disease and the replacement of his mitral valve with a prosthetic valve. As was stated above, the procedure was "open" requiring a pump oxygenator circulatory assist apparatus.

At the cessation of the intracardiac portion of the surgery, the surgeon stated he wished to "come off" the pump," which means that artificial oxygenation must be provided by an anesthesiologist until the patient awakens and resumes his own spontaneous respiration.

Apparently there was approximately a 5–6 min. lag between the time the pump was stopped and the anesthesiologist (a resident *without* supervision) noted the oversight. Corrective measures were instituted and fortunately, the patient survived with no apparent central nervous system or cardiac residuals.

The cause of this near fatality and absolute malpractice situation was not the fault of the resident anesthesiologist, nor the surgeon; it was the fault of the VA Hospital Administration which has allowed the occurrence of daily exposure of life-threatening situations in the department of anesthesia without an adequate attending staff.

The consequences of this action must be borne by this Administration and cannot be passed down the line. The Thoracic Surgery service has notified us that to obviate further incidents of this nature, all cardiac surgery in this institution has been cancelled until this emergent situation is corrected.

I submit that full knowledge of a lack of qualified supervisory staff in Anesthesiology was known to this administration for the last 6 months. As added impetus, the Resident and Intern Association of Wadsworth Hospital has called attention to this shortcoming in a letter to Dr. Seymour Dayton that was presented to the Administration in

January of 1971. Speaking as President of the Resident and Interns Association, errors like this that threaten the health and welfare of our patients cannot be tolerated, and must be rectified by placement of qualified supervisors in Anesthesiology immediately.

JOHN C. MESSENGER, M.D.,
*President, Residents & Interns Association.*

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PROPOSED VA RESEARCH PROGRAM: "PSYCHOLOGICAL AND BIOLOGICAL STUDY OF DRUG DEPENDENCE"

(Item B.1., Appendix I)

The purpose of this program is to provide an initial framework for the intensive study of psychologic, biologic and sociologic aspects of drug abuse or addiction, the characterization of individuals and relevant environmental factors, and the development and evaluation of treatment methods. Although all types of psychoactive drugs, such as LSD, hashish, marijuana and amphetamines, will be studied, emphasis will be placed on heroin and other opiate compounds.

Specific aims of the program involve several areas of research and treatment: (1) to provide greater knowledge about the biologic changes associated with the acute and chronic use of drugs. The effects on brain, liver, blood and other organ systems will be explored in both longitudinal and large cross-sectional programs. (2) to develop new, easier and more effective means to identify individuals who are dependent upon or addicted to drugs. An attempt will be made to perfect an automated method suitable for the mass screening of populations. The current technique that uses thin-layer chromatography for the determination of drugs or metabolic products in urine is time-consuming, expensive and technically demanding. (3) to evaluate the psychologic and biologic effects of methadone maintenance and detoxification. Variations on the presently used regimens will be explored in an attempt to improve the efficacy of this widely used drug. Information is urgently needed as to what effect, if any, methadone has on brain, liver, bone and other tissues of the body. Possible specific effects on the reproductive systems of men and women need special attention. (4) to develop new therapeutic agents that will be safer and less addictive than methadone or similar drugs. (5) to evaluate comprehensively the currently known opium antagonists. (6) to conduct basic biologic research into the nature of the effects of opiates on the central nervous system. These investigations may explain the specific chemical changes that result in addiction and, thus, provide new insights into the function of the human brain. (7) to conduct psychologic and sociologic studies on the personality and life styles of drug users. An attempt will be made to define those elements of personality that indicate a potential for addiction. The impact of environment will be studied in an effort to identify and modify those factors that lead to drug use and drug abuse. Recent information suggests that previous studies in this area (1920 to 1960) may no longer be relevant in a culture so influenced by the availability of drugs and their use and abuse by many individuals in the population.

The VA hospital system is ideally suited to conduct urgently needed research in this field. The large patient population in VA affords an opportunity to carry out large cross-sectional studies to obtain valid statistical data. Other research programs, with access to patients in relatively small numbers, may require years to complete studies of equivalent validity.

In many situations, affiliations with medical schools and non-VA research groups will bring additional expertise into the programs. The close working relationships of all VA hospitals in the system will permit an easy exchange of research data and, when indicated, will allow for the transfer of patients from one program to another.

The drug dependence treatment program at the Washington, D.C. VA hospital, having a close affiliation with the NIMH and local universities, will be well suited as a prototype effort.

PROPOSED DRUG DEPENDENCE TREATMENT RESEARCH CENTERS FY 1972 COST

Three centers, $500,000 each, $1,500,000.
Four centers, $250,000 each, $1,000,000.
Total: $2,500,000.

Initial basic equipment for the Research Center is estimated $75,000 each.

A typical major Center would include the following personnel:

2 Principal investigators (M.D. or Ph. D.).
1 Research pharmacologist.
1 Research chemist.
2 Nurses (one Research Nurse).
1 Secretary.
1 Research psychologist.
2 Laboratory technicians.
2 Rehabilitation counselors.

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EXPLANATION OF PROPOSED INCREASE IN VA MEDICAL RESEARCH PROGRAM

(Items B.2, 3, and 4)

The VA medical research program has a distinguished record of valuable contributions to medical knowledge. Since the program objectives are chiefly focused on practical clinical problems, its contributions are directly applicable to the care of veteran beneficiaries.

In addition, very important secondary benefits arise from the research program. The opportunity to participate in research constitutes one of the strongest incentives for the recruitment and retention of highly qualified professionals who, in turn, carry out a large proportion of patient care activity in the system. The existence of research programs is essential to our valuable affiliations with non-VA institutions.

The urgency of the current need for more VA research funding is generated by several factors:

(1) The very small increase in research funds for FY 1971 over FY 1970 ($303,000) has resulted in a net loss to the program due to inflation;

(2) The increasing veteran population, and especially the new problems introduced by returning Viet Nam veterans, has sharply increased the need for new relevant research;

(3) The opening of new and replacement hospitals and the activation of new bed sections in fiscal year 1972 will require additional research support;

(4) The increase in professional and technical staff associated with VA general efforts to improve patient care will increase the number of individuals who wish to participate in research;

(5) New affiliations will require a substantial increase in research funding;

(6) Psychobiological problems of the Viet Nam veterans, with special emphasis on "hard" drug dependence and total rehabilitation demand large and intensive research efforts (supported in separate item);

(7) VA massive programs of dental care, use of prosthetic devices, and care of spinal cord injury patients all need research support far beyond that anticipated in the FY 1972 budget.

More specifically, the general research needs (totalling about $17,500,000) are:

1. Many VA hospitals are operating well below their optimum level of relevant research programs. This is producing problems in the recruitment and retention of qualified technical and professional staff. Approved but unfunded research projects now total no less than $8,000,000;

2. Three new hospitals are expected to open in FY 1972 (San Diego, Columbia, Mo., and Tampa). Included in the construction of these three hospitals is 93,000 net square feet of research space. The anticipated staffing is 203 new research workers. Salary, equipment, supplies and other research support in FY 1972 will be approximately $1,800,000;

3. Additional research space to be activated in FY 1972 at four other stations (Cincinnati, Denver, Oklahoma City and Washington, D.C.) will total 26,500 net square feet. Fund requirements for these facilities is estimated at $1,130,000 in FY 1972.

4. Several stations (including Northport, Reno, Tucson, and Lubbock) are in a position to develop strong affiliations with medical schools now being planned or activated. Only Tucson has a funded research activity. New funds required in FY 1972 will total $1,500,000;

5. It is estimated that the current recruitment program will add 1500 new professional staff to VA hospitals. Past experience indicates that one-half of these will be attracted by the research potential in VA and will wish to take part in the program. The minimal cost estimated for FY 1972 would be about $5,000,000.

Some specific research program examples (totalling $10,500,000) are:

1. New psychiatric research programs aimed at the problems of Viet Nam veterans will generate a cost in FY 1972 of approximately $3,500,000. These programs include model health delivery programs at VAH Brentwood, Northport, St. Louis, Tuscaloosa, and elsewhere. Among other things, these programs are designed to decrease long-term hospitalization while improving ambulatory care, home care and outreach activities;

2. The surgical treatment of coronary artery disease is now being extensively used in VA hospitals. Funds have been insufficient to support a proper research program to evaluate this treatment or to develop optional approaches. The cost of such a program in FY 1972 is estimated at about $1,000,000. VA can take a decided position of leadership in this field;

3. The role of diet in the production of arteriosclerosis (resulting in coronary heart disease, strokes and other consequences) was initiated in VA a number of years ago. However, funds have not been sufficient to support a large scale cooperative study to confirm and follow up the original findings on a massive scale. This important study is estimated to require about $5,000,000 in FY 1972;

4. VA is in the forefront of research and clinical studies concerned with the transplantation of human organs. Very recent findings by VA investigators, still unpublished, are calculated to advance this field by the use of a new immunosuppressing agent. Additional research funds required in FY 1972 will be $750,000;

5. VA has made an important start in the development of Clinical Pharmacology Centers at Boston and Minneapolis. Three more centers are needed at an initial cost of $100,000 for a total of $300,000. This is a modest investment for work that can reduce the cost of drugs in VA and bring safer and more effective treatment to thousands of patients.

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PROPOSED INCREASE IN CENTRAL OFFICE DRUG TREATMENT PERSONNEL AND TRAINING UNITS

In addition to the funds for the Drug Treatment Units in item A.3, Appendix I, additional funds must be made available in VA Central Office Alcohol and Drug Dependence Service for new staff positions and expenses.

| | |
|---|---|
| a. Personnel: | |
| Chief professional programs (GS–15) | $28,942 |
| Chief, evaluation section (GS–13) | 21,198 |
| Statistical clerk (GS–7) | 10,242 |
| Secretary (GS–7) | 10,242 |
| Secretary (GS–6) | 9,224 |
| Secretary (GS–5) | 8,280 |
| Subtotal | 88,128 |
| b. Staff travel (3 additional persons) | 7,200 |



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c. Training (annually):

| | |
|---|---|
| Eight in-patient staff, $400 each | $3,200 |
| Nine out-patient staff, $400 each | 3,600 |
| Total each unit annually | 6,800 |
| For 28 units | 190,400 |
| Total | 285,728 |

UNAIRCONDITIONED VA HOSPITALS—39—QUALIFYING FOR AIRCONDITIONING AND FOR WHICH NO DESIGN FUNDS ARE REQUESTED IN FY 1971

(ITEM D.1, APPENDIX I)

Albuquerque, N. Mex.
Amarillo, Tex.
Aspinwall, Pa.
Bay Pines, Fla.
Bonham, Tex.
Brecksville, Ohio
Castle Point, N.Y.
Chillicothe, Ohio
Coatesville, Pa.
Columbia, S.C.
Dayton, Ohio
Downey, Ill.
East Orange, N.J.
Fayetteville, Ark.
Fort Howard, Md.
Fort Lyon, Colo.
Fort Thomas, Ky.
Grand Island, Nebr.
Grand Junction, Colo.
Gulfport, Miss.
Huntington, W. Va.
Indianapolis, Ind. (CRS)
Kerrville, Tex.
Knoxville, Tenn.
Lebanon, Pa.
Lincoln, Nebr.
Lyons, N.J.
Marion, Ind.
Martinsburg, W. Va.
Montrose, N.Y.
Mountain Home, Tenn.
Newington, Conn.
North Little Rock, Ark.
Perry Point, Md.
Salem, W. Va.
Salisbury, N.C.
San Fernando, Calif.
Temple, Tex.
Wichita, Kans.

PROPOSED 820 ADDITIONAL EMPLOYEES AT VA REGIONAL OFFICES

(ITEM E.1, APPENDIX I)

The following data is drawn from a survey, conducted by the House Veterans Affairs Committee, of each VA Regional Office regarding anticipated workload increases during FY 1972. The House survey included station-by-station information regarding additional employment requests for 1972, the percentage of increase in contact, C.P. & E. Legal, Home Loan, Administrative, and Finance standard man-hour workload and the percentage of increase in loan guaranty closures and appraisal requests from the previous year. A copy of the full survey has been made available to the Appropriations Subcommittee, and only a brief summary is presented here:

ADDITIONAL EMPLOYMENT REQUESTED BY STATIONS ON HVAC REPORTS

| | Contact | C.P. & E. | Loan guarantee | Home Loan | Legal | Administrative | Finance |
|---|---|---|---|---|---|---|---|
| Area I | 17 | 24 | 12 | 2 | 22 | 10 | 87 |
| Area II | 40 | 64 | 52 | 2 | 48 | 33 | 239 |
| Area III | 24 | 41 | 53 | 4 | 33 | 28 | 183 |
| Area IV | 40 | 97 | 73 | 7 | 58 | 36 | 311 |
| Total | 121 | 226 | 190 | 15 | 161 | 107 | 820 |

The situations in the Los Angeles and San Francisco Offices are instructive of the nationwide problem, although even more critical. In order to meet enormous increases in anticipated workloads as shown below, the Los Angeles and San Francisco Regional Directors estimated the need for an additional 65 and 108 FTEE's, respectively.

STANDARD MAN-HOURS PERCENT OF CHANGE FROM PREVIOUS YEAR

| | Los Angeles | | San Francisco | |
|---|---|---|---|---|
| | 1971 | 1972 | 1971 | 1972 |
| Contact | 21.0 | 21.0 | 10.0 | 11.0 |
| C.P. & E. | 11.7 | 17.4 | 18.3 | 12.2 |
| Loan guarantee: | | | | |
| GI application received | 21.0 | 16.0 | 45.0 | 45.0 |
| GI loan closed | 2.0 | 53.0 | 2.0 | 98.0 |
| Appraisal requested | 65.0 | 30.0 | 59.0 | 18.0 |
| Legal | 4.9 | 3.5 | 5.6 | 7.5 |
| Chief and administrator | 9.9 | 5.7 | 8.6 | 10.7 |
| Finance | 3.7 | 8.7 | 12.5 | 8.2 |

PROPOSED INCREASE IN VA DEPARTMENT OF DATA MANAGEMENT FISCAL YEAR 1972 BUDGET

(Item E.2, Appendix I)

The Congress has consistently sought to provide the VA with sufficient funds to render service to all veterans, and particularly to our returning Vietnam servicemen. Already Congress has provided $8 million in supplemental funds to the Department of Medicine and Surgery for FY 1971 and will add over $130 million for FY 1972 over the Administration request for medical care. Congress is also considering an increase of $5.6 million requested by the Administration in a budget amendment, plus $1.4 million more to be proposed on the House floor, in funding for the Department of Veterans Benefits regional offices for FY 1972 in order that their workload can be handled in a timely and efficient manner.

However, if the Department of Medicine and Surgery and the Department of Veterans Benefits are to carry out their functions in a timely and efficient manner, there is an additional department in the VA that requires more funds. The Department of Data Management provides automatic data processing support to all program elements of the VA. This support is furnished through new systems and development, the use of computers, other electronic equipment, and communications. A major part of veterans benefits workload processing is assisted by use of computers. For example, the initial notice of discharge of every serviceman (almost one million per year) is received at the VA Data Processing Center, Austin, Texas. With the aid of a computer, the VA makes early contact with the returning veterans and VA regional offices are furnished essential information to facilitate personal contact and follow-through. The VA is using computers in practically every veteran program. The computer plays a major role in compensation, pension, education, insurance, loan guaranty, and maintaining patient treatment records. Significant progress has been made through the use of computers for clinical laboratories, such as VA Hospitals Boston and Durham; biophysical monitoring at VA Hospital Minneapolis; pharmacy information; patient census, and multiphasic personality inventory. Support-type activities such as logistics, personnel, fiscal, and management reporting are accomplished through the use of computers. When workload increases in any department of the VA, it results in an increase in the Department of Data Management also. If the VA was not utilizing computers, the fund requirements of the other departments would be much greater.

If the VA is to render timely and efficient service and at economical cost, adequate staffing and funds must be provided for the Department of Data Management. To properly execute its responsibilities, that Department needs 100 additional people and $1 million in FY 1972.

The VA's record of success in applying computers to its operations is exceptional. The taxpayer has benefited by reduced operating costs. The veteran has benefited through improved service. Many millions of dollars in operating cost have been saved through the use of computers in the VA. Conservative estimates place recurring savings at more than $20 million per year. Many more millions could be saved if the VA were furnished funds to puhchase computers it is now leasing. The attributes of purchase versus lease of computers have been carefully reviewed by the General Accounting Office (GAO), and the Congress, and purchase is strongly encouraged. The Office of Management and Budget (OMB) and the General Services Administration (GSA) encourage purchase of computers when funds are available and established criteria are met.

The VA determined many years ago that its computer needs met established criteria for purchase and purchased computers to the extent that funds were available. However, for the past several years, the OMB has denied funds to the VA for further such purchases in use and, consequently, VA operating costs are higher now than if computers had been purchased when funds were sought. Future operating costs can be reduced if computers on lease are purchased. To permit VA to follow the mandates of the Congress, GAO, OMB, and GSA, the VA should be provided an additional $10 million in FY 1972 to purchase computer equipment meeting established OMB and GSA criteria. Delay in purchase of computers imposes an unnecessary financial burden on the U.S. taxpayer and increases VA operating costs.

APPENDIX III: EXCERPTS FROM APRIL 27–29, 1971, HEARINGS BEFORE THE HEALTH AND HOSPITALS SUBCOMMITTEE OF THE VETERANS' AFFAIRS COMMITTEE ON THE VA HOSPITAL CRISIS

Over 17 months ago, one of the most effective and forceful witnesses at the oversight hearings by the Labor and Public Welfare Committee's Subcommittee on Veterans' Affairs, which I chaired, was Capt. Max Cleland, of Lithonia, Ga., U.S. Army, retired. On April 29, Captain Cleland, a triple amputee, returned to testify before the Health and Hospitals Subcommittee of the Veterans' Affairs Subcommittee, having been elected a Georgia State senator since he testified in December 1969, Senator Cleland told us:

The Atlanta VA serves metro Atlanta and North Georgia. It has the additional responsibility of being a Regional Amputee Center for the Southeast, treating mostly Vietnam veterans, though with no significant increase in staff or funds.

It is a new hospital and still has two wards not in use because of inadequate staff. Applications to get into the hospital are running almost 2,000 ahead of this period last year, but admissions are down, not up, and the waiting list is over 100. The proposed 1972 reduction would take 20 beds out of circulation that are in use now.

The VA hospital in Augusta, Georgia, was built to handle a maximum of 800 patients. It handles nearly 1,000. It suffers from inadequate staff and ward personnel and has a backlog of almost 70 patients on its waiting list.

Applications by veterans to get into the Augusta VA are up almost 1,000 over this time last year, but if funds are not restored by Congress to the VA medical budget, the Augusta VA will be forced to take over 100 beds out of circulation.

The third Georgia VA hospital is in the southern part of the State, and experiencing shortage of doctors. It has only one orthopedic surgeon for a hospital that can handle 500 patients. The current patient level is 376 and the hospital is having difficulty providing adequate staff for that number. . . .

All in all, applications of veterans seeking admission to VA hospitals in Georgia are up 3,000 over this time last year. If the current VA medical budget is not supplemented, the Georgia VA hospital will have to cut back over 170 beds and add to a state waiting list already approaching 400.

Also, at our recent hearings, we heard a second round of testimony—1 year and 1 day after their original testimony last year—from Dr. Bernhard Votteri, Fellow in Pulmonary Disease, and Dr. J. Gary Davidson, chief medical resident, Wadsworth VA Hospital in Los Angeles. Here are some most disturbing extracts from their April 29 testimony:

Dr. VOTTERI. Although some improvements have been made since we met with you last year, the operation of the hospital continues to be plagued by deficiencies in nursing staff, convalescent patient placement, anesthesia, inhalation therapy staff, medical and respiratory care units, cardiovascular surgery, renal hemodialysis, messenger and escort service and laboratory services.

We have appealed through channels at all levels and although people listened to us, appropriate corrections are not forthcoming. The situation is so critical that further temporizing is not acceptable. The physicians in training are almost totally disillusioned and tired of words without action.

If immediate action and correction are not forthcoming, the physicians in training have advised us that they will "heal-in" the hospital. Such an action which should be and can be obviated by corrective measures now will have the effect of forcing the eligible veteran to seek aid at other hospitals. . . . The physicians state, and rightly so, that if substandard care continues to be all the VA can afford to support then, in good conscience, they can no longer quietly deliver care under such restrictions. Deficiencies in staff, equipment and supplies cannot continue to be made up by the superhuman efforts of nurses, paramedical personnel, and physicians without the blame for these inequities being placed squarely on those who would remain unresponsive to the needs of the veteran.

Dr. Baldwin Lampson, Director of Hospital, UCLA, School of Medicine, in his thorough analysis of the Wadsworth Hospital in 1970 [at Senate Veterans Affairs Subcommittee hearings] pointed out that the UCLA Hospital Inhalation Therapy Staff consists of 52 people including a physician head. The Wadsworth Staff was found to be inadequate to provide direct patient treatment. In addition there was no night and weekend coverage in inhalation therapy. As a result in 1970 and still in 1971, necessary inhalation therapy must be handled by overworked and understaffed nursing service.

The situation is so urgent at the Wadsworth Hospital now that the Chief of Anesthesia and Chest Medicine have recommended that these services which are indispensible and lifesaving will have to be curtailed in the interest of reducing the spread of infection. Forcing the patient to breathe dirt and bacteria which may result in lung infections cannot and will not be tolerated. The prevention of this disaster is simple. The recommendations have been made, the solutions await only financial support.

Recently our open-heart surgery case load went to four per week. Shortly after this the Chief of Surgery was beseiged by complaints from the nursing service to reduce this, as their staffing was inadequate, both in the operating room and in the surgical intensive care unit. The Chief's initial response was an admonition to the cardiac surgeons to reduce this work to the previous level—approximately two cases a week. His stated reason was "our facilities cannot handle it."

This is the greatest plea for mediocrity that we have heard yet. As a matter of fact, Wadsworth has two fully-trained cardiac surgeons, a fully-trained open-heart-pump team capable of operating five-six major open-heart surgery cases per week.

The Cardiology Department can evaluate up to four surgical candidates per week presently, and with the opening of the new catheter laboratory in May, '71, this capability will increase to six a week.

It is obvious with the current crisis in surgery and anesthesia that our potential will not be realized and a great number of veterans will go wanting for much needed heart surgery. It seems inconceivable that a health system that has been designated as a regional care center for cardiac disease could be rendered inert by deficiencies in staffing in anesthesia and nursing. Furthermore, it is most inconceivable that the response to this crisis is to reduce the amount of health care.

Dr. DAVIDSON. The Assistant Chief, Infectious Diseases, at our hospital, has listed for your perusual, and states the following:

Listed below are the names of three patients with whom I have had direct contact, who expired at Wadsworth General Hospital during the months of March and April, 1971. While no one can say that these patients would have survived if more intensive observation and care had been provided, it is my opinion that such intensive monitoring and special nursing care was indicated, would have been available at a first-class hospital, and was not available or was provided too late and in a suboptimal fashion at this hospital. I intend this statement in no way as a criticism of the nursing personnel who cared for these patients but rather to indicate that sufficient special nursing personnel and adequate intensive care facilities are currently unavailable at this hospital.

Dr. VOTTERI. Must we come to this legislative body each year to present a chronicle of horrors to get adequate support for our veterans? The answer is a resounding no. It is unacceptable medical practice and morally wrong to continue to provide substandard care for our veterans. We hope that the needs of the veterans will at last be recognized and adequate funds and vigorous management will combine to finally rectify these inequities.

I would like to emphasize that, at this point, that all of us, as Doctors here, have completed our training in the Veterans' Hospitals, and we will be leaving to go into the community. Whether further support to the Veterans' Hospital will ever be forthcoming will have no direct effect upon us.

However, we are sincerely anxious that these gains should accrue to patients, and this is why we testified today, and this is why we testify in behalf of the persons in training at the Wadsworth hospital.

Regarding the Birmingham VA Hospital, we heard from Dr. S. Richardson Hill, vice president for health affairs of the University of Alabama and director of the Alabama Medical Center. Dr. Hill testified on April 28 as follows:

The Veterans Administration Hospital staff are dedicated and well-qualified individuals who are loyal to the Veterans Administration and to the mission for which they are held accountable; namely, quality health care for the veteran patient. The facilities which are available to them vary from excellent to poor, but the ability to employ health professionals is far less than necessary to maintain the quality of health care available either within the University Hospital or within other leading community hospitals. The simple facts are that there are insufficient numbers of staff available to do the job that must be done.

Some of the facilities, I am told, are underutilized because of the limited staff at night and on weekends and the all too frequent necessity to redistribute staff in order to meet new and emergency needs which, not infrequently, leave other crisis areas unprotected.

We, therefore, have undertaken a continual and critical review of these problems in order to determine whether or not it is fair to our health professional students to expose them to health care experiences in such an environment. I would urge this Committee to exert its influence to help provide the resources necessary for these hospitals to operate efficiently and effectively as a component part, not only of the University Medical Centers, but of the health care delivery system of our country as well. Our Veterans Administration hospitals desperately need an increased staff as well as updated technical equipment and mechanisms for maintaining continued progress in the rapidly advancing technical ability to manage patients more effectively and efficiently.

My comments have principally been related to the Veterans Administration Hospital which I know best; namely, the one in Birmingham. It is my understanding that comparable problems for the coming year are anticipated at the Montgomery, Tuscaloosa and Tuskegee, Alabama VA Hospitals, as well as other VA hospitals in the country."

. . . The staffing problems with regard to nurses and with regard to technical staff particularly and clinical laboratory, gets very low. We have sometimes no laboatory technicians within the Veterans' Administration hospital. We do have some on call but we need more staff.

Senator CRANSTON. How many beds are there in the wards there?

Dr. HILL. 30 to 40 per ward.

Senator CRANSTON. In the middle of the night how many nurses are available?

Dr. HILL. There may be one nurse available for two such wards on a floor.

Senator CRANSTON. That can lead to considerable difficulties, can't it?

Dr. HILL. Yes, it can, and they are not registered nurses.

Senator CRANSTON. How does that compare to the situation in the University Hospital?

Dr. HILL. In University Hospital there are two nurses for a 40-bed ward at night.

Senator CRANSTON. About one-fourth of the Staffing at the VA hospital?

Dr. HILL. Yes.

Another returning witness was Michael Burns, now executive director of the Paralyzed Veterans of America and himself a quadriplegic. Mr. Burns had testified on January 9, 1970, at hearings in Los Angeles by the former Veterans' Affairs Subcommittee when he was president of the California PVA. On April 28 he stated:

As a direct result of those hearings, a supplemental appropriation for the hospital care of veterans was voted favorably by the Congress. It amounted to $105 million, and was specifically intended to relieve the immediate crisis situation within the Veterans Administration.

Those hearings and that appropriation told

us that Congress cared about the plight of those left ravaged by the war, about those who gave a part of themselves in the service of their country. For this, all veterans were grateful.

The final testimony of those hearings was presented just one year ago. What has the Veterans Administration done since? What have they told us by their actions, about how they feel about this plight?

I submit that by diverting these funds into other areas that patient care, or by simply not expending them, that the VA has told us that it still maintains that it did not need help, it did not need supplementation, and it did not want either advice or Congressional generosity.

Within this appropriation were funds specifically earmarked for use by the Spinal Cord Injury Service. Initially, $169,000 was released for five centers determined to be in the most critical need. Subsequently, other centers were included, and more funds were released. I cannot emphasize strongly enough that these funds were to be used to upgrade hospital care, primarily through the recruitment of new staff.

These funds were released. They were sent to the field. Allegedly, over $1.3 million eventually went to these ten centers to upgrade staffing.

Our reports and the Veterans Administration's own figures prove that these monies were never spent. This money never reached the level for which it was intended.

As proof of this statement, one need only compare the staffing ratio per 100 patients in December, 1969, which averaged 1.21 for all centers to the same ratio eight months later.

August, 1970's ratio should have begun to reflect the impact of these funds. Yet, what was the ratio? A mere 1.27.

Even one year later, the December 1970 figure shows only 1.39, and at the end of March this year, it reads 1.38.

Are we to assume then, that the $1.3 million bought the Spinal Cord Injury Service .17 in staff?

Rather, I believe we should assume that the money was not spent at all. The hypocrisy of a system which tells you to believe what they say and not what you see, must be questioned. This hypocrisy must be dispensed with if we are to work together diligently for the betterment of the plight of all America's veterans.

How does that situation appear to be now?

Mr. BURNS. I would not say it has changed to any great degree, except when Senators come to visit.

Senator CRANSTON. Finally, for the benefit of those who are present, who haven't visited one of those wards under the prevailing circumstances, or who have not heard a description of what happens in those wards when there is inadequate personnel, I wish you would briefly describe what happens to a veteran when there is not enough people on the staff to deal with his human needs.

Mr. BURNS. The circumstances regarding a spinal cord injury individual in a hospital, if I may, I will take Long Beach as the example, that was the place at which I was rehabilitated.

First of all, you are faced with a situation where the staff is, at best, adequate, not in the sense of their abilities, but in the numbers.

After 4 p.m., everything ceases to exist, except the very basic patient needs. That is, we must feed him, we must get him into bed, we must care for him medically, we must give him his prescribed medicine. That is all.

In Long Beach, there are five wards, 205 patients. They operate at 95 percent capacity during the winter months. They have 42 beds on a ward. During the day they average 2 RNs, 1 LPN and 6 aids.

In the evening hours, in my last visit, they were averaging 1 RN and 3 technicians.

In the night hours, between 11 and 7, 1 nurse and 2 patient care technicians.

Their sole purpose in the evening hours, is to deal with the basic functions. Feed those who need the assistance in being fed, get the medication to the patients.

These patients require, especially the high-level quadriplegic, who are unable to care for themselves, constant turning. They are turned every two hours. If you take two patient care technicians, provided they are male, and provided they are strong and willing to work, they can go through a ward and turn every person in that ward in an hour, which means that leaves them another hour to attend to all of the other things they must attend to, including cleanliness of the ward. And then they must start the process over again. And this goes on for eight hours.

In the meantime, recreationwise, we might as well consider it negligible. We are talking about 24-year-olds and less, Vietnam veterans. I would hesitate to call the Vietnam veteran a new breed of veteran. He still requires the same type of things, only perhaps they are a little different these days than they were before.

Dr. Philip R. Lee, former Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, and now chancellor of the University of California at San Francisco, also returned to tell us that the Ft. Miley VA Hospital remained seriously understaffed more than 16 months after he first testified. That hospital will now receive 37 more staff.

A strikingly clear picture of the continued deterioration of the VA hospital staffing situation was provided in a May 9, 1971, article in the Miami Herald by June Kronholz, entitled "Care 'Second to None', But Veterans Alone Neither in Waiting Nor Dying" and another piece in the same paper "As War Began to Fill the Hospitals, Pressure Mounted for Cuts in Budget."

These two pieces are extremely significant in light of the January 27, 1970, testimony to the former Veterans' Affairs Subcommittee by Dr. Douglas J. Stewart, then a second-year resident at the Miami School of Medicine. He detailed for us the shortage at that time of 25 ward secretaries, 26 inhalation therapist technicians, 50 laboratory technologists, and numerous nurses at all levels.

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[From the Miami Herald, May 9, 1971]

CARE "SECOND TO NONE," BUT VETERANS ALONE NEITHER IN WAITING NOR DYING

(By June Kronholz)

The old man had cancer. You could see he was dying.

He came to the Miami Veterans Administration hospital to relieve the pain knowing that at least he could die here. He had lived alone; he didn't have to die alone.

His nights were difficult. He coughed up mouthfuls of blood and splattered his white sheets with red. In the morning a nurse would lift him onto a litter and he was wheeled around the hospital for X-rays, cell counts, and tests his doctor ordered.

His afternoons were just as hard. A volunteer wheeled him back to his room, back to a bed still soaked in dried blood and unchanged. He looked at it and remembered the pain and sorrow of dying.

"Take me out into the hall," he pleaded. "I will wait there until they can clean it up. I can't look at it. You know. . . ."

And he waited and he waited, but he wasn't alone in his waiting.

In half-empty rooms, on half-empty floors of the sparkling new $18.1 million Miami hospital, waiting is not uncommon. Nearly a full year after a U.S. Senate subcommittee charged that the facility was hopelessly understaffed, conditions have changed little.

Red tape, delays, postponements and interminable waits are part of any visit.

"Our problems have their solutions in adequate staffs," explains one well-known VA doctor. "If only we could afford the staff."

The Miami VA hospital was built four years ago to house 1,026 in-patients. Today it has beds for 893 veterans, but on an average day only 640 of them are filled.

Room after room is empty or has been turned into an office or a doctor's lounge. The five-man wards hold desks or sofas or empty beds or spare equipment—or nothing at all.

Even operating at just over half its designed capacity the hospital is understaffed, under-financed and personnel are overworked.

Some 1,330 staff members—resident doctors, nurses, therapists, cooks, housekeepers and administrators—are assigned to the facility.

In addition to the 640 in-patients housed in roomy, bright five-man wards, the VA hospital cares for 550 out-patients every day—130,000 out-patients every year—with a staff of almost 300 persons.

It is these patients who wait longest. As many as 20 of them—many with bandages or casts—sit on molded plastic chairs for up to four hours to be seen by a resident doctor.

"It's like a meat market down there," growls a former Marine who had spent six hours strapped to a stretcher, his back shooting with pain, before a doctor had time to examine him.

Long waits are not limited to the clinics, however. Down the hall, in the first floor corrective therapy room as many as 60 patients a day clamor for the attention of three dedicated, over-worked technicians.

The ideal work-load for therapists in other hospitals is eight or nine patients a day, but at the VA that number is often 20. The rush, complain the patients, means incomplete treatments.

"The therapy here is good," says 20-year-old John Metz, a Vietnam veteran, "if you have the time to wait about 15 years for it."

On the upper floors the shortages continue. Only 146 registered nurses working three eight-hour shifts are available to care for the 640 patients the hospital houses daily. During daytime hours only two registered nurses are stationed on each floor section of 40 to 63 men. In the evening, that number slips to one nurse.

In intensive care, where the most critically ill patients fight for their lives, only two registered nurses care for 10 acutely ill men—at least three nurses short by most hospital standards.

The shortages extend to housekeepers and technicians too. Beds go unchanged for hours, patients go unwashed—not because the staff wants to ignore them, but because they are so overworked they can do nothing else.

Tucked away in some of the empty upper floor wards, stored away and idle, sits a small fortune in heart monitoring equipment. "We don't have the staff to operate it," explains Dr. Elisio Perez-Stable, assistant chief of the hospital's medical service.

Not in as abundant supply as the heart monitors are wheel chairs and litters. When the supply runs low on either one—and it often does—a bedridden patient has no alternative but to cancel the blood test or therapy or X-rays his doctor ordered.

The staff and money shortages also mean needed programs must be ignored.

With one of the highest alcohol and transient rates in the country, the Miami hospital still has no alcohol rehabilitation program and a drug program is still 15 months away.

The hospital has no emergency room and no plans to add one, either.

"An out-patient who needs emergency treatment goes to Jackson Memorial Hospital for it," explains Dr. Robinson. "Then if he needs to be admitted he can come back here."

And finally, there are statistics. For every patient in the Miami VA facility there are 2.1 hospital employes—the lowest ratio of any major hospital in Dade County. Jack-

son Memorial Hospital boasts 3.6 employes for every patient while Mt. Sinai has a ratio of 3.5 to one.

To the patient, that means less care and to the hospital that means a lower patient turn-over rate. In most private hospitals each bed will change patients 36 times a year—a figure that means fast care and cure.

But in the VA system a change of 15 patients a year is considered admirable. A smaller staff means slower care and slower care means that fewer patients can be admitted.

Robinson and Perez-Stable nevertheless contend that the Miami VA hospital provides medical care "second to none in the city."

They probably are right. No one has questioned the hospital's medical competency.

But as only one cog in the 165-hospital VA system, the 12-story Miami facility is a victim of circumstances.

While all over the country hospital costs—for staff members, equipment, construction and maintenance—are skyrocketing, the VA budget has inched upward. And even those increases were granted by Congress over the objections of two U.S. Presidents.

The Miami hospital's $20.7 million budget for fiscal year 1970–71 represents a $3.7 million increase over last year's allotment.

But when Dr. Albert Tomasulo, former director of the hospital, learned of the increase, he told reporters it would only make matters worse for the hospital staff.

With that increase, the hospital administration opened another 210 beds on the upper floor of the 12-story building. The hospital this year is operating with an average 114 patients a day more than it was last year.

At an average cost of $68 a day for each patient's care, $2.8 million of that increase was immediately consumed. Additionally, plans were made to open a coronary care unit and an acute respiratory care unit, the hospital's extended care program was expanded from 20 to 40 beds and the first beds of what eventually will be a 40-bed ward for spinal cord injuries were opened.

By the time the new programs were funded, however, the hospital was left with an almost minute budget for expanding its housekeeping, nursing and medical staffs.

Funds were appropriated for 70 more nurses, but the VA can barely compete with the salaries and fringe benefits offered at private hospitals and 30 of these 70 nursing jobs are consistently vacant.

More funds were provided for additional clerical help, X-ray technicians and laboratory assistants—all of whom were in seriously short supply last year. X-rays and blood tests couldn't be performed as ordered for want of technicians and vital information wasn't being recorded on patients' charts by the over-worked ward clerks.

But even with the added staff the VA cannot muster the around-the-clock operation its doctors say it needs.

"This is an 8 to 4 hospital," lamented one young physician, "and you'd better not get sick any other time."

Despite its staff shortages, the VA cannot turn away a qualified veteran—that is, one who was injured while in one of the armed services or one who served his stretch of duty during wartime, and they can't discharge him against his wishes.

"The alcoholics, the hypochondriacs, the old men with nothing else to do but come here, they all make it tougher on the rest of us," moaned a Vietnam veteran one afternoon.

To the veteran on the critical list, those staff shortages could mean the difference between receiving a blood transfusion when it's needed, or three hours later, between fast emergency nursing treatment and delayed, over-due attention, perhaps between life and death, the hospital's young doctors contend.

Dr. Robinson, however, claims that only the "frills" are hurt by staff shortages—the niceties that patients in private hospitals pay for but that patients in government-supported facilities cannot expect.

To the men in the VA hospital, the "frills" are not as superfluous as Dr. Robinson would have them think.

A pajama-clad veteran in his 50s, confined to a wheel chair since a stroke left him almost immobile, explained it this way:

"This morning I asked the nurse if I could have a shower and shave. 'What for?', she asked, 'the doctor isn't seeing you today.'"

His hair uncombed, a two-day growth of beard on his cheeks, his pajamas stale and unchanged, he sat there.

"Do they think we want to be clean FOR somebody? Don't they think we want to be clean for ourselves?"

And then his expression changed. "Of course they know that. They're good, good people. The trouble is there just aren't enough of them."

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[From the Miami Herald, May 9, 1971]

AS WAR BEGAN TO FILL THE HOSPITALS, PRESSURE MOUNTED FOR CUTS IN BUDGET

The American public turned its eye from the war to its wounded in June 1970 when a Senate Subcommittee on Veterans' Affairs declared that U.S. soldiers injured in Vietnam were receiving second-rate medical care in the nation's Veterans Administration hospitals.

Witness after witness detailed the horrors of the VA hospital system, the largest in the world.

The testimony was not all technical, either. Capt. Max Cleland of Atlanta, Ga., cautiously testing new artificial legs, strode to the microphone to tell the senators how he had lost two legs and an arm in Vietnam in 1968, then vegetated in a hospital for more than a year without so much as a wheelchair of his own.

Finally, he convinced doctors to admit him to a special Prosthetics Center in New York. There it took him 10 weeks to master his new artificial limbs. The VA, he complained had cost him a year of his life.

In another war it might not have been so. In World War II or Korea, Max Cleland might have died before he ever reached a hospital.

But in this war, helicopter teams evacuate the wounded within minutes to well-staffed, well-equipped support hospitals where miraculous treatment has saved twice as many lives as in previous wars, even though battle injuries tend to be far more devastating.

From Vietnam the wounded—more than 297,800 of them to date—are flown home and many, instead of being committed to army hospitals as in other wars, are discharged and admitted to one of the 168 VA facilities across the country.

There they face recuperations much more lengthy than in other wars where disease hospitalized almost as many men as did battlefield wounds.

In the jungles of Vietnam, where skirmishes put enemies at arms' length and landmines pepper the countryside, missing or paralyzed limbs are common injuries.

As a result of the war the VA hospitals were called upon to care for and rehabilitate thousands of battle injured men as well as old World War I and II patients—patients with cardiac, respiratory and just plain old age problems.

Today, 12 to 14 per cent of the patients in the country's VA hospitals are young Vietnam veterans.

Ironically, just as the war was increasing in intensity and the hospitals were filling with thousands of young patients, pressure to cut the VA budget began.

In 1966, Congress imposed on the VA system an arbitrary personnel ceiling that made it impossible to add more doctors and nurses—just as Vietnam casualties continued to pour in.

The objective was to try to control inflation—inflation originally caused by the war.

The Senate hearings dominated newspaper headlines for a few weeks and sent reporters scurrying through most of the VA facilities in the country.

The furor was short-lived, however, and the 1971 ($1.9 billion) was not substantially larger than the 1970 allotment ($1.7 billion).

The 1972 budget—at $2 billion—will not allow the Veterans' Administration to perk up its image, either. The entire medical budget proposed by the Nixon Administration for 1972 is less than the cost of one month of fighting in Vietnam.

REVISED APPENDIX IV.—FISCAL YEAR 1972 BUDGET REQUESTS FOR VA HOSPITALS AND MEDICAL PROGRAMS

[Dollar amounts in thousands]

| Appropriation | VA submission to OMB | Initial congressional submission | Difference | Amended budget [1] | Senator Cranston recommendations | Total with the Cranston recommendations |
|---|---|---|---|---|---|---|
| Medical care [2] | $2,147,559 | $2,027,750 | —$119,809 | $2,124,647 | $331,020 | $2,455,663 |
| Medical and prosthetic research | 70,295 | 62,000 | —8,295 | 64,707 | 18,216 | 82,927 |
| Medical administration and miscellaneous operating expenses [2] | [3] 19,300 | [3] 19,201 | —99 | 20,252 | 1,100 | 21,352 |
| Grants to the Republic of the Philippines | 2,100 | 2,100 | | 2,100 | | 2,100 |
| Grants for the construction of State extended care facilities | 10,000 | 8,000 | —2,000 | 8,000 | | 8,000 |
| Construction of hospitals and domiciliary facilities | 149,964 | 90,000 | —59,964 | 90,418 | 7,860 | 98,278 |
| Total | 2,399,218 | 2,209,051 | —190,167 | 2,310,124 | 358,196 | 2,668,320 |
| General operating expenses [4] | 281,312 | 266,250 | —15,062 | 285,110 | 32,740 | 317,850 |
| Grant total | 2,680,530 | 2,475,301 | —205,229 | 2,595,234 | 390,936 | 2,986,170 |

[1] Includes (A) budget amendment (H. Doc. 92–93) of Apr. 19, 1971, for $85,673,000 ($68,597,000 medical care; $2,207,000 research; $751,000 MAMO; $418,000 construction, and $13,200,000 GOE) and $14,500,000 in medical care for reclassification of Nursing Assistants and (B) budget amendments described in footnotes 2 and 4.

[2] Includes budget amendment (H. Doc. 92–133) of June 21, 1971, proposed in the President's June 17 omnibus drug control message for $13,800,000 more in medical care and $300,000 in MAMO to expand VA drug treatment and rehabilitation program and part of budget amendment described in footnotes 1.

[3] Does not include $2,000,000 proposed legislation for extension of exchange of medical information program.

[4] Includes budget amendment (S. Doc. 92–24) of June 24, 1971, for $5,660,000 in GOE for 407 FTEE for loan guaranty and OJT outreach work at VA regional offices and part of budget amendment described in footnote 1.

## THE PRISONS OF HANOI

Mr. MILLER. Mr. President, the April issue of Reader's Digest contains an article entitled "Inside the Prisons of Hanoi," written by Louis Stockstill, which merits the attention of everyone, especially those who may have any doubts about whether the North Vietnamese have flagrantly violated the Geneva accord on the treatment of prisoners of war.

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

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

### INSIDE THE PRISONS OF HANOI

(By Louis R. Stockstill)

(NOTE.—The following report on the shocking conditions within the prisoner-of-war camps of North Vietnam, and on the threat these conditions pose to the survival of hundreds of U.S. citizens, has been drawn from lengthy interviews with some of the men who have been released, and from informed sources in Washington, Saigon and Paris.)

The truck lurches forward with thrashing gears. On the rough truck bed, an American lies on his back, blindfolded, hands and feet bound. He is jolted by each bump, jarred by thrusts of pain. Hearing clattering street noises and strident automobile horns, he knows they have entered Hanoi. Soon he will be prodded to his feet and led into one of North Vietnam's dread prisoner-of-war camps.

For almost two months, since his capture, the American has been herded from village to village. He is rarely fed. His captors double-time him, on foot, moving steadily northward. In each village, they tether or cage him like an animal so that villagers can file past to strike him or urinate on his body. He is constantly hungry; his weight drops steadily, and nausea and fever plague him.

Eventually, his captors transfer him to a small hut with 12 bamboo cages, force him onto his stomach, thrust his feet into wooden stocks and tie his arms behind his back with wet rope. For 29 days they keep him in this position, freeing him only long enough to gobble a daily bowl of rice and to relieve himself. His face is obscured by a scraggly beard, his eyes burn from sunken sockets. Then he is told that he is to be moved to Hanoi.

Now, three days later, a truck deposits him at the looming triangular mass of the "Hanoi Hilton," an old French penitentiary covering approximately a city block and surrounded by glass-studded concrete walls. Within, two separate sections are reserved exclusively for U.S. prisoners-of-war. As in other POW camps in North Vietnam,* its tiny cells are cement-walled and heavily barred; bunks are either cement slabs or rough boards stretched across sawhorses. The only other furnishing is a toilet bucket. Terrazzo-like floors slope away from a central corridor toward open drains where rats enter and leave. Doors are thick teak, with peepholes.

### NIGHT WATCH

The misery and demoralization that American POWs experience in this subhuman environment can best be understood by looking at a typical prison day. Above the prisoner's hard, narrow bunk, with its paper-thin straw mat, a bare light bulb burns day and night. On the bunk he tosses and frets, searching vainly for a comfortable position for his calloused hips and thighs, relief for his pain-ridden body. He sleeps little, thinking daylight will never come, that the hated light bulb will never fade. There is no clock; the hours drag on.

Now it is winter, bringing the cold he detests and fears most. He had wadded a mosquito net around his frigid feet, wrapped one of his two flimsy blankets around the net, and covered his legs and torso as best he can with the other. He still wears his coarse pajama-like shirt and trousers. But the cold penetrates everything, numbing and taunting him. His empty stomach rumbles, and now he is shaking convulsively, uncontrollably.

He will have to get up. He swings his stiffened legs to the floor, stands with great effort, slaps at his skinny legs, wasted backside and bony chest. The flesh feels dead. Sometimes he hears the muffled movements of another prisoner also fighting the cold. In a nearby cell a man cries out, "Oh, God. Oh, God!" He repeats the words to himself, only vaguely aware that the cry has nudged him into prayer.

How many hundreds of nights like this has he endured? He can no longer remember.

Gongs and Judas Holes. Finally daylight comes, and he watches the gray light filter slowly through the exposed portion of the small window far up the wall of his cell. He waits. He listens. He has learned to segment the days into sounds. The first one, at 5:30 a.m., is the harsh, reverberating jangle of the "gong," a metal ring periodically assaulted by a metal rod. It echoes and reechoes. And as it fades, he strains to hear the bolt being withdrawn on a distant door. He knows the guard is starting along the cells, slapping open the "Judah Hole" in each door to make certain the man inside is on his feet. Stiffly, the prisoner rises and begins to fold his "bedding." The sounds of the opening and closing of the peepholes come steadily closer until the guard peers into his own cell and passes on.

A loudspeaker over the door squawks to life. The voice of Hanoi Hannah enters his cell, seeking to "re-educate" him about the war. She tells him that the United States is suffering disastrous defeat, and that the American people couldn't care less. She frequently quotes American critics of the war. Her flow of bad "news" is salted with reports on riots and racial problems in the States. The half-hour monologue drones on like a funeral dirge. Then the loudspeaker dies. But he knows Hannah will be back in the evening with more cheerless news. She visits him twice a day, every day.

Now he hears the guard taking one of the men outside to empty his toilet bucket; the man is then returned and locked back up. He listens to a repetition of the same sounds, slowly passing from cell to cell. Soon, he too is taken out to the cesspool and then brought back to await the next event. If it is a washday, he will be allowed to wash. For him, this is the week's highlight. But he must await his turn. Precautions are always taken to prevent him from seeing or talking with other prisoners.

He is taken into one of several cubicles, each with a small tub of icy water. The guard locks the door. In the five minutes allotted him, he quickly strips, braces himself and begins sloshing the freezing water onto his body. If there is soap, he lathers and scrubs his skin. But, he must rinse thoroughly, for he knows that any trace of the abrasive, lye-like soap will produce a painful rash. He dresses rapidly and rinses his other suit of "pajamas." The guard returns and marches him back to his cell, allowing him to hang his laundry alongside the dripping clothing of other prisoners.

It is almost noon, time to be fed. He never thinks of the bread and watery soup as food. But he relishes the thought of having something—anything—in his stomach.

As the food is dispensed, each cell door is unlocked and locked in the familiar pattern. When the guard opens the door, the prisoner reaches down for the bowl and bread placed on the threshold. Anything he is given is placed on the floor so that he must always bend down in front of his captor. In appearance, if not in spirit, he must always display humility. (He wryly remembers the staggering blow from the rifle butt when he once, "disrespectfully," crossed his legs in the presence of an interrogating officer.) As he rises with the food, he must come to attention. And so he stands as the guard shuts the door.

Then he eats, forcing himself to chew the bread with great care, watchful for the small stones sometimes embedded in the dough. He has disciplined himself to eat every crumb, every drop. With the last of the bread, he mops the bowl.

He waits again. Soon another "gong" sounds, instructing him to lie down. The room is still cold, but his shrunken stomach is temporarily pacified. Now, more often than not, he is finally able to doze. But the fitful sleep ends abruptly, torn apart by another gong. It is two o'clock. For the next seven hours he can only pace or sit. He is not permitted to lie on his bunk again until 9 p.m. Periodically, unexpectedly, a guard slams open the Judas Hole to check.

Body and Soul. As the prisoner paces, he gropes for something to occupy his thoughts. He has recited the names of the states forward and backward, the names of all the U.S. Presidents he can remember. He has built boats and houses in his mind, gone on imaginary walking tours, retraced most of the memorable events of his life, the plots of books and movies. But the monotony of these efforts has made it increasingly difficult to concentrate. His thoughts skitter away to questions he would prefer to avoid, to a maze of anxieties.

He thinks about the war. Can Hanoi Hannah be right? Has America given in to defeatist views? If so, what will happen to him? He worries about his health. He is half-starved, ridden with tiny things that crawl in his stomach. He has grown steadily weaker.

The question he dreads most, and that now recurs with frightening frequency, is: *Can I last?* And what about my family? Will my wife wait forever? Is she well? Will the children remember me? How do they manage without a father? Sadness overwhelms him.

Occasionally he gets a letter, but this is recent development. And the six-line note that is permitted can never answer the hundreds of questions that roam his mind. Still, other prisoners have received nothing, so he must be considered fortunate.

At 4:30 he is fed the same food he received earlier, the same that he will also get twice tomorrow, and the next day and the next. There is no meat, nothing green, nothing sweet—always the same tasteless soup and bread. After this second feeding he will wait 18 hours to be fed again.

It is dark now, and at 8:30 Hanoi Hannah is back. She stays until 9, and as the loudspeaker clicks off, the last "gong" rings out. He must crawl back onto his bunk to face the cold, and his lonely thoughts, until morning. He pleads with his body and soul for strength to survive yet another night under the light bulb.

Shattered Rules. How long this man and his fellow captives can last is anyone's guess. But their lives are more gravely threatend with each passing day. Some of the POWs have already died.* Others face almost cer-

*There are two other prisons within the city, one called the "Zoo," the other the "Country Club." If there are others—and there probably are—the U.S. government, to safeguard security, cannot talk about them.

* North Vietnam has told U.S. anti-war groups and Senators that 23 prisoners have died. But the list cannot be regarded as completely accurate: all of the deaths were reported long after they supposedly occurred, and after a number of the men had been held captive up to five years.

tain death unless their treatment is drastically improved. One careful study of available information, compiled by Lt. Col. Joseph R. Cataldo, a doctor with the Green Berets, indicates that the POWs not only are severely malnourished, but that 80 percent have skin diseases, at least half suffer from intestinal worms, a quarter may have active tuberculosis, and many are afflicted with serious vitamin deficiencies, mental disorientation and muscular wastage.

Hanoi also has weakened men by systematic torture. Prisoners have been denied food or water for long periods, suspended from ceilings by their arms, burned with cigarettes, clubbed with rifle butts and physically beaten. In numerous cases their captors have refused them adequate medical care, and have neglected to attend to major injuries.

Small wonder, then, that North Vietnam forbids inspection of the camps by the International Red Cross—in direct violation of the Geneva Conventions. Instead, "showcase" prisoners are paraded in propaganda films. When anti-war groups or friendly foreign journalists are selected to talk with or film small groups of prisoners, only the healthiest men, barbered and freshly clothed, are trotted into public view to parrot carefully rehearsed information. What the public never sees are the hidden cells, the men on crutches, those who can walk only with the aid of another prisoner, those with deformities, the badly emaciated, the sick in bed.

The Geneva Conventions require repatriation of the sick and wounded, as well as the release or transfer to a neutral nation of men whose long confinement jeopardizes their health. Yet Hanoi, which is a signatory to the Conventions, has ignored these rules as they apply to the 781 captured and missing in North Vietnam. And the enemy has made no effort to persuade the Vietcong and communist forces in South Vietnam and Laos even to identify the almost 800 other Americans captured or missing in these areas.

For the prisoners, meanwhile, years pile on lonely years. The first men captured are nearing their seventh year in captivity. More than 300 others soon face their fourth, fifth and sixth anniversaries in enemy hands.

Unless help is forthcoming, these men will continue to rot and die.

Here at home, private citizens and concerned organizations are reacting with growing impatience to North Vietnam's inhumane treatment of our prisoners. Public denouncements, mounting press attention, resolutions in the U.S. Congress and the United Nations, letter-writing campaigns and many similar efforts are beginning to have an effect. There is evidence that Hanoi is smarting under the attack.

In the past year North Vietnam's leaders have tried to muffle criticism by easing a few of the harsh restrictions imposed on the prisoners. Hanoi has, for example, permitted an increase in mail between some of the men and their families, authorized more packages for the captives, boosted the weight-limitation on Christmas parcels and permitted families to mail previously forbidden items such as small games, medicines and vitamins.

But conditions are still deplorable. You can show your concern over Hanoi's treatment of our prisoners-of-war by signing the statement below (adding a personal message if you wish) and sending it at once to: "Help Our POWs," American Red Cross, P.O. Box 1600, Washington, D.C. 20013. The Red Cross will tabulate the responses and see that your message gets to the government of North Vietnam. Millions of protests from indignant Americans cannot fail to have impact, even in Hanoi. Don't wait. Sign and mail your letter right now, then call a friend and ask him or her to do the same. The one hope these prisoners have is that their fellow Americans will not forget them.

## DESEGREGATION STATISTICS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD correspondence between the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare and me concerning the Department's policy on issuing statistics on school desegregation nationwide.

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

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C., June 18, 1971.*

Hon. JACOB K. JAVITS,
*U.S. Senate, Washington, D.C.*

Dear SENATOR JAVITS: Thank you for your letter of May 18 in reference to the floor remarks which Senator Stennis delivered on April 14.

As you indicate, a portion of the speech dealt with the manner in which the Department has published school racial statistics, and I think it would be appropriate, in answer to your inquiry, to take up the allegations individually and respond to each of them.

1. In the first instance, let me assure you that the Department, and specifically the Office for Civil Rights, has not altered and does not intend to alter the format of presenting the final results of the 1970–71 school survey.

The Department plans to issue a final report on the 1970–71 school data as soon as all survey forms returned by the school districts have been edited for corrections and computerized. The process is now nearly completed. The final report will be similar and comparable to the State-by-State and major-city breakdowns provided in releasing the final report based on 1968–69 data.

I regret that the information, which is derived from individual school district figures, was not available prior to Senate consideration of the proposed Emergency School Aid and Quality Integrated Education Act of 1971. But we could not have issued a final and accurate report at that stage because all survey forms had not been completed and returned, and the data derived from them had not been included in the computerized calculations which produce the State-by-State and major-city breakdowns.

2. The 1970–71 racial enrollment figures released on January 14, 1971, were preliminary and unedited projections. In no sense were these preliminary regional tables intended to take the place of the final and accurate accounting which is forthcoming, and we stated this to the press, the public and all concerned with complete clarity.

3. The issuance of preliminary and partial survey results on January 14 is not a departure from past procedure. For instance, on January 16, 1969, the Department issued a set of tables indicating the extent of desegregation in the 11 Southern States based on 1968–69 survey data. The figures used then were preliminary and incomplete, and, because of less sophisticated accounting methods then in use, they were probably less accurate than the Department's 1970–71 preliminary figures.

4. Whereas the preliminary figures based on 1968–69 data, which were released in January 1969, covered only the 11 Southern States, the preliminary figures based on 1970–71 were nationwide projections. Since the preliminary report of last January contained regional breakdowns, it is now possible to compare the extent of racial separation in the 32 Northern and Western States to the extent of racial separation in the 11 Southern States.

In reporting preliminary data this time on a nationwide basis, instead of confining the data to the Southern States as in the past, our purpose was precisely to permit comparative analysis and to avoid any sectional bias. In issuing a preliminary report, the "rules of the game" were not changed with respect to the 1970–71 school data, and, in making nationwide statistics available, the preliminary report of January 14 does not represent a double policy in the release of statistics but a conscious decision to present them on a nationwide scale.

5. In regard to the timing of the release of statistics, we have already indicated that many large urban school districts had not completed the 1970–71 survey forms in time for purposes of inclusion in the preliminary release of January 14.

In the first place, the preliminary report based on 1968–69 survey forms was issued on January 16, 1969. The preliminary report based on 1970–71 survey forms was issued on January 14, 1971. In both cases, therefore, the preliminary report was issued approximately 4½ months after the start of the academic year.

Secondly, the final report based on 1968–69 survey forms, which included the State-by-State and major-city breakdowns to which you refer, was not issued until January 4, 1970—nearly 15 months after the survey returns were due. We anticipate that the final report based on 1970–71 survey forms, including breakdowns, will be available by June 15, 1971—eight months after the survey returns were due.

The timing of the final report for 1970–71 is dependent primarily on the speed and accuracy of school districts or States in completing and returning the survey forms. Some State departments of education prefer to handle the individual district forms themselves, which has caused some delay. For instance, no returns from one State were received until April 16. Although returns were due at the Office for Civil Rights by October 15, 1970, many school districts, particularly the large urban systems, have found it difficult to meet this deadline.

It also takes time for our contractor, the George Washington University Social Research Group, to check each incoming form to determine whether the additions are correct or whether the school district has answered all questions properly. Frequently, when errors are uncovered, the contractor must consult the school district. Keypunching of data for the computer runouts must also be verified.

We do not believe that the eight-month period required to develop a final report is really unreasonable when you consider that we must depend upon the cooperation and efficiency of officials in 70,000 schools and about 8,000 school districts and State departments of education to obtain nationwide enrollment data covering 45 million pupils.

I hope this summary will help to clarify the record, and if the Department can be of further assistance, please let me know.

With kindest regards,
Sincerely,

JOHN G. VENEMAN,
*Acting Secretary.*

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MAY 18, 1971.

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

DEAR MR. SECRETARY: In a statement delivered on the Senate floor on April 14, 1971, Senator Stennis made some very serious allegations concerning your Department's methods of presenting statistical summaries on the extent of racial segregation in school systems throughout the United States. I would appreciate receiving from you, at your convenience, a response to these allegations.

With warm personal regards,
Sincerely,

JACOB K. JAVITS.

## DEATH OF FORMER SENATOR THOMAS E. MARTIN OF IOWA

Mr. MILLER. Mr. President, it is with sorrow that we mourn the passing of a former Member of this body, Thomas E. Martin, whom I succeeded in the Senate in 1961.

Tom Martin, who died Sunday at the age of 78, earned a reputation as one of the hardest working Members of Congress during his 16 years in the House of Representatives and 6 here in the Senate.

Born in Melrose, Iowa, of a pioneer Iowa family, Tom Martin ably pursued four careers—citizen soldier, accountant, lawyer, and politician. He earned his degree in accounting from the State University of Iowa, in Iowa City, and followed that profession before and after overseas service as an infantry lieutenant in World War I.

Following that war he returned to Iowa City as a Reserve Officers Training Corps instructor and accountant and then decided to study law. He received his law degree in 1927 and an LL.M from Columbia University a year later.

He was city attorney and then mayor of Iowa City, where he earned a reputation in cracking down on gambling. He then served in the House of Representatives from 1939 to 1955, when he took his Senate seat.

The pinnacle of his career was perhaps reached when he won his Senate seat from the incumbent, Senator Guy Gillette, in a tremendous campaign in 1954. Then a Representative, Tom Martin waged an uphill battle against a very able and distinguished opponent who was known for his independence. The outcome was eventually decided on the basis of Tom's more intensive personal contact during many 16- and 18-hour days of campaigning—a lesson that I, as a young, aspiring politician, have always remembered.

As we salute a gallant warrior and dedicated public servant, Mrs. Miller and I express our condolences to Tom Martin's good wife, Doris, and their children; his brother, Sterling; and his many friends.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is concluded.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. LONG). The distinguished Senator from West Virginia (Mr. BYRD) pursuant to the previous order, is now recognized for 45 minutes.

## CONQUEST OF CANCER ACT

Mr. BYRD of West Virginia. Mr. President, for the purpose of making it the pending business, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 239, S. 1828.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

S. 1828, to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. BYRD of West Virginia. I thank the Chair.

Mr. President, there will be no action on the bill today. It is merely being laid before the Senate for the purpose of making it the pending business.

### UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have been asked by the distinguished majority leader to make the following unanimous consent request. Having consulted with the very able assistant Republican leader and other principal parties, I therefore proceed as follows:

I ask unanimous consent that on Wednesday next, July 7, 1971, at 12 o'clock noon, the Chair lay before the Senate Calendar No. 239, S. 1828, the Conquest of Cancer Act, and that time during further debate thereon be limited to 3 hours, the time to be equally divided between and controlled by the distinguished Senator from Massachusetts (Mr. KENNEDY) and the equally distinguished Senator from Colorado (Mr. DOMINICK); ordered further, that on amendments thereto, the time be limited to 1 hour on each amendment, the time to be equally divided between and controlled by the mover of such amendment and the manager of the bill; that the time on any amendment to an amendment be limited to 20 minutes, the time to be equally divided between the mover of the amendment in the second degree and the manager of the bill; provided further, that no amendments not germane be received; ordered further, that Senators in control of the time on the bill be authorized to allot therefrom time to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER (Mr. LONG). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the previous order, providing for the laying before the Senate of Calendar Order No. 239, S. 1828, a bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer, be amended to provide that the Chair lay that measure before the Senate on Wednesday next at 2 p.m., rather than at 12 o'clock noon.

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

Mr. BYRD of West Virginia later said: Mr. President, with respect to the time on Wednesday next at which the Chair will lay before the Senate Calendar Order No. 239, I ask unanimous consent that the time be changed from 2 p.m. to 3 p.m. on Wednesday next.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on Calendar No. 239, which the Senate will consider on Wednesday next.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, for the information of Senators, could we know that the vote will come in the afternoon rather than in the morning, or first thing when we walk in the door? Because Senators like myself need to know, and plan to get here.

Mr. BYRD of West Virginia. Yes. Mr. President, may I say in response to the Senator's appropriate query that the bill will not be laid before the Senate until 3 p.m. on Wednesday next.

Mr. JAVITS. I thank the Senator.

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

Mr. MAGNUSON. What was that date?

Mr. BYRD of West Virginia. Wednesday next, July 7. I ask for the yeas and nays.

The yeas and nays were ordered.

The unanimous consent agreement reads as follows:

*Ordered,* That on Wednesday, July 7, 1971, at 3:00 p.m., the Senate will proceed to the consideration of the unfinished business, S. 1828, to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer, and commencing at that time debate on the bill shall be limited to 3 hours to be equally divided and controlled respectively by the manager of the bill (Mr. KENNEDY) and the Senator from Colorado (Mr. DOMINICK).

*Ordered further,* That debate on any amendment, motion or appeal except a motion to lay on the table shall be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill.

*Ordered further,* That debate on any amendments to amendments be limited to 20 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill.

*Provided,* That time on the bill may be allotted to any Senator during the consideration of any amendment, motion or appeal.

*Provided further,* That amendments not germane to the provision of the said bill shall not be received.

## THE ROLE OF THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, the role of the Judiciary in preserving this Republic for our children cannot be underestimated.

All of us have noted the recent breakdown in order in this country. We have noted a trend, now quite pronounced, to reject authority of any sort, to decide for oneself whether a particular law or rule is to be observed. It is a matter of great concern to the people and considerable moment to the courts, since the power which courts have is pretty much dependent on the willingness of the parties to obey rulings even when they disagree with them. It is only necessary to refer to a remark frequently ascribed to Presi-

dent Jackson that Chief Justice Marshall had made his decision, now let him enforce it; or to Alexander Hamilton's overworked phrase about the Court having neither purse nor sword; in order to appreciate that it is the authority of the courts which inevitably suffers first and greatest from a disposition not to be bound by rule or authority—which disposition unfortunately has gained wide currency in our society.

Since this is true, it is more than passing strange, then, that many persons believe that some of the Federal courts, and in particular the U.S. Supreme Court, have done more than any other branch of government—local, State, or Federal—to foster such a feeling and mood and disposition in our society—more indeed than any other institution with the possible exception of the American educational establishment.

I realize the obligation all lawyers necessarily feel to accord the greatest amount of respect to the U.S. Supreme Court. I feel that obligation; my feeling of respect is considerable; I honor the Court as an institution. But I need not quote the remarks of distinguished judges lawyers, and scholars that respect does not require loss of critical faculty.

I hope that it will not be thought presumptuous of me to state my views and the conclusions and thoughts which I hear expressed frequently in the Congress and in the conversations and letters from constituents about the Supreme Court and what are considered its errors of recent years.

There are, of course, many areas in which the Court's rulings carry out the Constitution and the laws and promulgate standards for sound governance of society. But while these are welcome, my objections run to the fact that the Court has in many areas appeared not to follow the Constitution—or has followed strained interpretations of it or has ignored congressional direction in matters subject to statutory regulation.

Thus, while the Allen decision last year was welcomed, authorizing trial judges to take the necessary steps to deal with obstreperous defendants by setting them outside the courtroom or binding and gagging them or citing them immediately for contempt of court—and while it is to be hoped the same standards will be applied to riotous defense counsel—one cannot ignore the evidence that the Court itself has contributed to the problem by applying Court-created constitutional limitations on the inherent powers of trial judges to deal with contempt committed in their presence or outside their presence. The unprecedented application of jury trial requirements to contempts when the sentence may exceed a certain limit, the rulings in Mayberry this term, and the Mississippi case within the last month limiting the authority of judges to deal with contempts directed at them—these and other rulings appear to be expressing a feeling that trial judges who are sworn to uphold and defend the Constitution are not to be trusted to be fair and just.

In other words, one can perceive this series of cases only as carrying over to the trial judges the Court's well-known aversion to trusting Congress and the legislatures to uphold the Constitution. When a body of men forming the court of last resort in this country becomes seized of such a fear—a fear of their lower court brethren and of legislators and, for all we know, of the President, as well—then there is a substantial danger that rigid rules will be laid down to circumscribe the discretion of everyone.

And unless my reading is wrong, there is danger that this mistrust so recently applied to the trial courts is soon to be transferred back to the legislatures. The Court recently granted review of an appellate court decision sustaining the power of the Wisconsin Legislature to imprison summarily Father Groppi for leading a raid on the floor of the legislature while it was in session to protest a legislative decision. It would not surprise me at all to find the Powell and the Bond decisions, and the decisions curbing the power of Congress and the legislatures to investigate, expanded and applied to infringe on the inherent power of legislatures—and of Congress—to punish for contempt without invoking the aid of the courts. We Americans simply cannot afford to submit to further chipping away at the powers and prerogatives of legislators and trial judges.

Thus, even when the Court, as in the Allen case, reaches an eminently correct result, it may be that the problem was either created or compounded by earlier Court decisions or still remains a problem because the Court persists in error.

I would not contend that the Justices have been actuated by anything but high motives or pure ideals. The problem, instead, has been that they have made bad laws and rendered wrong decisions in pursuit of those high motives and pure ideals rather than admit that, however socially desirable something might be in abstract principle, it should not be attained except within the context of applicable constitutional principles.

Let me illustrate what I mean by noting the recent decision involving the closing of a number of swimming pools in Jackson, Miss., after their desegregated operation was decreed by a local Federal district court. In a 5-to-4 decision, the Court held—and, I think, rightly—that the Constitution did not compel the city of Jackson to reopen those pools.

Some of the Justices may have felt that the Jackson officials closed the pools because of an impure motive, a refusal to operate them so as to permit white children and adults and Negro children and adults to swim together.

But that was not the question which faced the Court. The question was whether the U.S. Constitution compelled the city to reopen and to operate those pools. It was a question of constitutionality, and I think that Chief Justice Burger's concurring opinion capsuled the matter in a way that cannot be bettered:

> All that is good is not commanded by the Constitution and all that is bad is not forbidden by it.

In the spirit of judging the issue by what the Constitution commands or forbids, then, the majority noted that insofar as the equal protection clause was concerned everyone in Jackson was deprived of public swimming pools. The city was not attempting surreptitiously to preserve racial separation by seeing that the pools were kept in operation in collusion with private groups. The pools were closed. Thus, said the majority, whatever the motivation of public officials, their acts were not forbidden by the Constitution nor did the Constitution require them to operate what was in essence a luxury.

The minority did not look at the matter that way. It was enough for them that Jackson officials had been actuated by bad motives: Because their thoughts were impure their actions were constitutionally tainted and the Court ought not let them "get away with it."

It should be said that some Justices resist the impulse to sit in judgment on the innermost thoughts and motivations of others and, instead, judge their actions by the standards of constitutional commands and prohibitions. But other Justices, unfortunately, appear to psychoanalyze motives and approve or condemn actions on the basis of what such an exercise in psychology reveals.

It is this proclivity which comes through clearly if we look at the "sit-in" cases of the early 1960's, which illustrate how a majority of the Court has often confused good intentions with lawful actions, starting the Nation on a path leading to disorder and contempt for law.

The essence of the philosophy of the "sit-in" movement was the conviction that if law protected the prejudice of an owner of private property in being selective regarding his choice of customers, then the law would be disobeyed. It would be violated by persons placing their bodies in forbidden areas and inviting arrest. I should say that if all these people wanted was to bear witness to their objection to racial discrimination by inviting arrest and submitting to conviction for violating clearly neutral and constitutional laws, thereby petitioning for legislative change outlawing private discrimination, that would be one thing. The actions might be disruptive but the viability of law to preserve order would not be called into question.

But neither the demonstrators nor the Supreme Court was willing to leave the matter at that. The demonstrators did not submit to conviction as a method of bearing witness; they appealed, seeking to void their convictions by obtaining a ruling that the 14th amendment either outlawed all private discrimination or else prohibited the enforcement of trespass and other laws by which the States and localities lent some assistance to store owners and other owners of private property. Such a ruling, of course, would have had enormous consequences for American constitutional jurisprudence, all of it bad. Some Justices, notably Mr. Justice Douglas and Mr. Justice Goldberg, were willing to go that far. A majority of the Justices did not feel so inclined. But that did not mean that the demonstrators were out of luck. The Court simply used every device which could be thought of to reverse all convictions without ever reaching the ultimate decision.

The result was that not any conviction

involving a "sit-in" which was appealed to the Supreme Court was sustained. No doubt the majority was impressed with what they considered to be the general "good" motivation of the demonstrators. No doubt the majority thought that some means, almost any means, were justified in order to let the "pure in heart" off. The radiations from these decisions show what a monumental mistake this sentimental conclusion from the heart instead of from the head was in fact.

Can anyone doubt that the waves of campus demonstrators, arrogantly presuming themselves qualified to dictate educational decisions, were undertaken with the realization, conscious or unconscious, that the demonstrators in the "sit-in" cases had succeeded. No doubt the fact that the earlier demonstrators had not had to pay to bear witness with jail sentences inspired the cry for amnesty which accompanied every demonstration, every trashing, every invasion of a dean's office, which the students undertook. Or it may be that the amnesty cry simply reflected the puerile character of the affluent college student as contrasted with the serious purpose underlying the Negro demonstrators' actions.

Whichever is the case is really irrelevant. The earlier Court decisions which affirmed that a degree of "purity" of motive could excuse law-breaking bore fruit, not only in the college demonstrations, but also in the riots, when apparently respectable people went to looting to secure what they wanted and in the "rock" festivals where young people flaunted their distaste for all values by engaging in open nudity, open public copulation, open marihuana smoking, and open destruction of property.

Bitter fruit, indeed, but the lesson is unlearned where the learning of it would be most valuable. Evidence? On June 7 of this year, there was a 5-to-4 decision of the Supreme Court which reversed the California conviction of disturbing the public peace by offensive conduct of a youth who appeared in the crowded corridors of a courthouse in the presence of women and children with the four-letter word "F— the draft" printed on his jacket. The Court's opinion was written, incredibly, by Mr. Justice Harlan, and at one point he solemnly assures us that it is "often true that one man's vulgarity is another's lyric." In the same paragraph, he says:

> Surely the State has no right to cleanse public debate to the point where it is grammatically palatable to the most squeamish among us.

So, objection to the profusion of four-letter words and the most open profanity is appalling only to the "squeamish" among us. The power of government to prevent children and objecting adults from being subjected to the most objectionable and callous obscenities means nothing more to the Justices than making "public debate—grammatically palatable." It is nothing short of astounding. It would help the Justices in the majority to take a walk around a few blocks of their Court building and just observe and listen to the nauseating language and the sickening abuse of verbal sexual assault which any woman, no matter how old or how young she may be, is subjected to. The streets are unfit for decent people now and it is tragic to notice how young children so casually utter the most obscene, barnyard language which they have picked up by simply listening.

More evidence? On June 1, the Court struck down as being in violation of the right of assembly a Cincinnati ordinance which punished persons who congregated on the public streets and engaged in annoying conduct. The majority was not even concerned with the conduct the particular defendants had engaged in. Mr. Justice Stewart simply pronounced that:

> No government could make criminal the exercise of the right of assembly simply because its exercise may be "annoying" to some people.

Further, he said:

> Government could not proceed against persons who annoy others because of their ideas, their lifestyle or their physical appearance.

With all due respect, I submit that this is ridiculous. Of course, merely assembling to express ideas or protest may not be prohibited if it should annoy some persons. But what about a crowd of rowdies who harass passers-by, who throw trash around them, who congregate outside a church and throw a drunken revel. Is there any doubt in any of our minds that such annoying conduct should be punishable? The Court should have restricted the city's application of the ordinance; it is not difficult to distinguish between protected and unprotected conduct. But the Court blithely struck the whole ordinance down.

And what is wrong with applying such an ordinance to the sort of grimy loafers who are familiar to us all if their "lifestyle" involves public nudity and public copulation or simply who gather in unsightly conglomerations which affront every decent person.

Thus, the trend which began with the "sit-in" cases continues unabated. A majority of the Court seems content to preserve the right of everyone, in the current vernacular, "to do his thing" no matter how nauseating it may be to his fellow citizens. But we have come so far from the "sit-in" cases that we do no longer have as an excuse the argument of purity of motives. Some of the "sit-in-ers" may have had good motivation; many of these people now are simply bums, addicted to drugs and immorality and avoidance of work. But somehow they have a constitutional right to their own "lifestyle."

I am very much afraid that what has happened to the Justices is the sort of thing which afflicts people who think only in concepts and abstractions instead of thinking in "things," as I believe Justice Holmes once recommended. Abstractly, it may be a good thing that each person should have a large degree of control over his person in the sense that his choice of "lifestyle," of language and dress and leisure and the like is pretty much unfettered by the legal system. But the actuality of the matter is that society then is at the mercy of the lowest common denominator of "lifestyle" and behavior.

Society has an interest in having clean, safe streets. And if a subclass of people persist in attempting to turn those streets—or parks or whatever—into pestilential mudholes in which unsightly individuals using nauseating language indulge in obnoxious behavior, then society is obligated to sweep them off the streets. It does us little good to speak of the uplifting qualities of individual freedom if our children and our women, indeed any decent human being offended by such things—and there is no reason men may not be so offended—are subjected to spectacle after spectacle of degrading public activities.

And yet, the Court gives no sign of recognizing the fact that freedom for all cannot exist without the exercise of responsibility for all and the fact that if there are persons in the society incapable of balancing their exercise of freedom with the exercise of responsibility, then society must rein them in. Instead, the Court has just granted review of two vagrancy cases and we may expect that in the coming term the ability of police, of society, to deal with petty criminals, professional bums, and obnoxious characters will be further curbed.

This is not idle prophecy. We need only look at other cases to notice how concentration on abstractions has created a gulf between the Justices and the reality which the rest of the people must live with.

A good example is in the area of forced integration in the public schools. The desegregation decision of 1954 was right and proper, in my judgment. I believe that decision is supported by a majority of the American people. I believe further that a majority of white Americans want black Americans to have the opportunity for education and economic advancement which they rightfully should have. But those desirable goals, in my judgment, will not be reached by some of the means that have been resorted to to effectuate forced integration.

I shall not dwell on that matter here except to say that the almost fanatical efforts to force an artificial racial mix in the schools only serve to push the suburbs ever outward and inevitably hasten the decay of the inner cities, together with their public school systems. Forced integration has not yet produced better education for black or white, and I do not believe that it will. Indeed, it may have done just the contrary. The numbers game being played with respect to forced integration is doomed to failure, and the American people in general, in my opinion—black as well as white—would like to see an end to this folly which threatens to convert the primary purpose of the public school system from that of education to that of integration.

Under the equal protection clause of the 14th amendment, no child may be discriminated against on the basis of race in the assignment to a public school. That, in essence, was the mean-

ing of the 1954 school decision. And it was the right decision, based on the Constitution as amended.

In the 17 years that have since intervened, not one "jot or tittle" has been changed in the verbiage of that amendment. Yet, children today—by virtue largely of Federal court decisions—are being assigned to public schools throughout the South, specifically and wholly on the basis of their race, and that alone.

How long will the people tolerate the seeming obsession of the courts in this profitless pursuit of abstract social goals rather than pursuit of reality?

Another example of concentration on abstractions is in connection with the rash of instances of flag burnings and other acts of desecration we have witnessed in the last few years. It would no doubt have astonished the drafters and enacters of the first amendment had it been suggested that they might be immunizing a shoddy practice of protesting something though the desecration of the flag; such a "symbolic speech" as a concept and a fact would undoubtedly have merited only contemptuous rejection from Madison and the members of the first Congress. It is simply absurd to permit the flag to be so treated simply because someone wants to make a splashy show of protesting a grievance—a grievance often feigned rather than real.

The tragedy is that at a time when patriotism is at low ebb and devotion to country is something too many people snicker at, the Court is lending support to further erosion not out of any sympathy for such a sorry trend but because the attention of the Justices is focused on an abstraction, on a concept of speech as an absolute.

It is this same single-minded focus, I believe, which forms the basis for the Court's incredible performance with regard to obscenity. From Roth to the cases this term, the Court—Justices Black and Douglas dissenting—has pronounced obscenity to be outside the area of protection of the first amendment. So much for official doctrine. The result, as the Court has proceeded through the cases, is that less and less is held to be legally obscene, from the printed page of the grubby paperbacks produced solely to titillate, to the peep shows, to the feature movies which throw in a little something "socially significant" to justify the 98 percent raw sex.

The Court seems to be so tied up in single-minded concentration on free speech in the abstract that its rules and standards for defining what is obscene and for suppressing what is obscene have so hemmed in the police and the lower courts that they are incapable of protecting the vast majority of the public from constant exposure to all this sordidness. As a result, free speech is not advanced any, but a lot of fast-buck, seedy operators are making a lot of money off a clientele of pathetic people who are being made even more pathetic by the exploitation to which they are subjected.

The entire area of first amendment jurisprudence is infected with the Court's beguilement by an abstraction. The infection can also be seen in the Times against Sullivan case and following it in which the Court is immunizing more and more libel and slander from legal accountability. Certainly, it is one of the prime functions of the first amendment to protect public discourse on public issues. Free press and free speech are absolutely necessary to the functioning of a free government. But freedom, I assert again, without responsibility is detrimental and destructive of the values of a free society.

Now the Court tells us the defense of truth is inadequate to protect the freedom of the media. The first amendment protects lying too, unless a libeled person can psychoanalyze the offender and show the jury that malice lay at the base of the lying. So far, the burden of such a rule has been on public officials and candidates for public office who have always been considered fair game anyway, but in the recent Rosenbloom case, the Court extended the rule to libels and defamations of private individuals connected in some way with an event the media finds "newsworthy."

I think that it is fortunate when we turn from the area of first amendment jurisprudence to the area of criminal law and criminal procedure that we see reflected in recent Supreme Court cases a dissatisfaction with abstraction and a dedication to realism which the criminal cases of Chief Justice Warren's tenure wholly lacked.

With the possible exception of search and seizure, which still remains a morass of contradictory rules and arbitrary limitations, the Burger court is moving away from a hyperactive concern with the rights of criminal defendants in the abstract and deciding cases on the basis of the effect of constitutional rules in real cases.

I will not dwell on the cases which bear out these statements. They are generally familiar decisions. Nor will I dwell further on my point about the Court's abstraction with theory versus reality as evidenced in the Bruton case in 1968, the Harrison case in the 1967 term of the Court, or in Miranda, Escobedo, Wade, and the like, except to say the importance of cases like Miranda is not so much the damage that is actually done in keeping out valid confessions or authentic reliable evidence. The damage lies in the fact that every crook is thereby encouraged to think that a hypertechnical Court is turning their confederates loose. An increase in confidence that, if caught they can "beat the rap," has without doubt contributed to the increase in crime.

It is in that sense I think that we have to acknowledge the influence of court decisions on crime. Criminals, normally, do not read Supreme Court decisions or lower court decisions. But once a court begins to lean hard on the police and issues a few rulings that are publicized which make it more difficult to convict, criminals are encouraged simply because the impression is about that their chances are better.

Severity of sentence in my opinion is a deterrent to crime. Equally effective is the belief generally abroad that the chances of getting caught and being convicted and serving time are substantial. The principal fault of the courts in recent years is that they have made possible a contrary opinion.

But not only criminals are subject to such prevailing influences. I have no doubt that trial courts also now—State and Federal—have for years been afflicted with the fear of reversal by the higher courts so that they have grown more and more lenient on sentences, given defendants more and more of the doubt in ruling on suppression motions, and generally have made the jobs of prosecutors more difficult. I have no doubt that, for example, a study of the district courts in the District of Columbia would show that the supersensitive-to-defendants attitude of the court of appeals has made trial judges lean over backward in favor of defendants.

There would appear to be little doubt then that a change in the Supreme Court on criminal law should correct this attitude. It will be none too soon in my opinion. If we are to call a halt to the spiraling increase in crime we must speed up trials which means cutting out a lot of the waste and the coddling which goes on. Stiff sentences have to be handed out upon conviction. Habeas corpus must be returned to traditional limits so that once a defendant has exhausted his appeal rights he cannot simply, over and over again, clog up the courts with frivolous petitions.

I have no doubt at all that if the exclusionary rule at one end of the process and habeas corpus at the other end were returned to their traditional orientation the clutter in the courts could be cleaned up faster, trials could be more expeditious, sentences would be more meaningful, and justice would be done society as well as the criminal.

Regrettably, I must except from my generally complimentary remarks about the Court's very recent criminal law trends its search and seizure doctrines. As the Collidge decision handed down only last week demonstrates, the Court is still mired in confusion of its own earlier making with respect to the fourth amendment, and, through its unwise extension of the unwise exclusionary rule to the States, the confusion afflicts all 50 States. Collidge is particularly illustrative since there the majority held that police who had come lawfully onto the defendant's property to arrest him lawfully were held forbidden to seize and impound his car which was parked in plain view in his driveway and which police knew had been used in the commission of a brutal murder of a 14-year-old girl.

Worse still, on the same day in the Bivens case a six-Justice majority held that any crook who claims that Federal agents had committed an unlawful search and seizure could sue for damages in the Federal courts. No act of Congress gives them this right; the fourth amendment says nothing about it. But the Court implied the remedy from the "spirit" of the amendment.

The harm to law enforcement is obvious Collidge demonstrates that the Justices cannot agree on what constitutes illegal searches, but if law enforcement officers in the field guess wrong they are

subject to suit under a judicially created tort theory.

No more can society live in a state of fear of crime than it can suffer the degradation of many of its members to abuse of the right of speech and press. We were once in a state where these excesses did not exist and no one can argue we were less free. Then, a man could take his family out without fear of robbery or rape or subjecting his children to the brutalization of language and immorality and fear which now exists. That man and his family were free. We can have that state of existence again but it takes discipline and rejection of what passes for intellectual counsel these days. It takes perseverance and dedication to first principles. And we can do it.

Let me repeat, in closing, that I have respect for the Supreme Court as an institution. But I shall continue to be disturbed by what my colleague in the Senate, SAM J. ERVIN of North Carolina—a distinguished jurist in his own right—has called the "misty idealism" of many of the Court's decisions in recent years. Woodrow Wilson once said:

> Constitute them how you will, governments are always government of men, and no part of any government is better than the men to whom that part is entrusted . . . The courts do not escape that rule. So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse.

The Federal judiciary bears a heavy responsibility in the years ahead for a return to order and tranquillity in our society, a restoration of respect for law and the courts, and the preservation of constitutional government.

(At this point, Mr. CHILES assumed the chair.)

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

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I must applaud the Senator from West Virginia for the very fine statement he has made.

I notice that the major crimes in this country continue to grow in number while the Court continues to move in its effort to allow permissiveness to engage in antisocial conduct and unlawful or previously unlawful conduct across the land.

Certain Justices on the Court have now indicated they are going to rule on whether the death penalty constitutes cruel and unusual punishment. Certainly those who wrote the Constitution never had any such thing in mind.

I think it is important, it is in order, and I think it is a duty of Congress to initiate constitutional amendments to correct some of this wave of permissiveness instituted by the Court, if only to state that the Constitution means what we have always thought it means.

It is unfortunate that that might be necessary, but in my judgment it has become necessary if we are to bring to a halt and reverse some of this unfortunate wave of permissiveness which has been spawned by the Supreme Court.

The Senator from West Virginia is quite correct in what he has said. I, too, am a lawyer, and I feel it is my duty to try to uphold the Court and defend the Court when the Court is doing its duty as it conscientiously believes that duty to be; but I cannot find it in my conscience to defend Justices who deliberately strike down the Constitution as written, and laws as they were intended to apply. That is frowned upon by me as a lawmaker and I do not believe my position as a lawyer places a burden on me not to speak out when the Constitution is being destroyed by certain Justices on that Court.

The Senator from West Virginia has rendered a real service and I applaud him for bringing this matter to the attention of the Senate.

It is not beyond Congress to be able to do something about this persistent and deliberate misconstruction of the Constitution and the law.

If nothing else, a constitutional amendment could be proposed to remove some person or persons from that Court on the ground that the Nation simply does not need them any longer. If there is no other way to do it, I suppose a constitutional amendment, voted for by a two-thirds majority of the Senate and the House, and ratified by three-fourths of the States, might have some distinct possibility. Perhaps we could make some progress then toward stopping this continuous assault upon the Constitution and the well-established laws of this country.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Louisiana, who is greatly senior to me in this body, a highly respected Member of this body, and an outstanding lawyer, for the expression of concern he has indicated and for his very fine contribution. I appreciate it.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; and that the House receded from its disagreement to the amendments of the Senate numbered 14 and 36 to the bill and concurred therein.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLER of California, Mr. TEAGUE of Texas, Mr. KARTH, Mr. HECHLER of West Virginia, Mr. FULTON of Pennsylvania, Mr. MOSHER, and Mr. BELL were appointed managers on the part of the House at the conference.

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

## ORDER FOR RECOGNITION OF SENATORS TALMADGE, AIKEN, HUMPHREY, AND YOUNG ON WEDNESDAY, JULY 7

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, July 7, immediately following the recognition of the majority and minority leaders under the standing order, the following Senators be recognized for 15 minutes each to speak in the order stated and to engage in a colloquy in connection with the introduction of a bill: the Senator from Georgia (Mr. TALMADGE), the Senator from Vermont (Mr. AIKEN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from North Dakota (Mr. YOUNG).

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

## ADJOURNMENT OF THE CONGRESS UNTIL JULY 6, 1971

Mr. MANSFIELD. Mr. President, on behalf of the joint leadership, I ask the chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 351.

The PRESIDING OFFICER (Mr. STEVENSON). The Chair lays before the Senate House Concurrent Resolution 351, which the clerk will state.

The assistant legislative clerk read as follows:

H. CON. RES. 351

*Resolved by the House of Representatives (the Senate concurring)*, That when the two Houses adjourn on Thursday, July 1, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, July 6, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senator proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I send to the desk two amendments on behalf of the joint leadership and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

Page 1, line 2, strike out "two Houses adjourn" and insert: "House of Representatives adjourns".

Page 1, line 3, after "1971," insert: "and when the Senate adjourns on Wednesday, June 30, 1971,".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, that negates the order entered into unanimously earlier, by means of which the Senate was to have come in at 10 a.m. tomorrow, July 1, 1971. So that when the Senate completes its business today, it will stand in adjournment until noon on Tuesday next, July 6, 1971.

The resolution as amended was agreed to as follows:

H. CON. RES. 351

*Resolved by the House of Representatives (the Senate concurring)*, That when the House of Representatives adjourns on Thursday, July 1, 1971, and when the Senate adjourns on Wednesday, June 30, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, July 6, 1971.

The title was appropriately amended, so as to read:

"Providing for the adjournment of the House from July 1, 1971, and the Senate from June 30, 1971, until July 6, 1971".

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## OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION BILL, 1972—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CHILES). Is there objection to the present consideration of the report?

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

(The conference report is printed in House proceedings of June 28, 1971, pp. 22490–22491, CONGRESSIONAL RECORD.)

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the requirement that the conference report on the Office of Education and Related Agencies Appropriation Bill, 1972 (H.R. 7016) be printed as a Senate report be waived inasmuch as under the Rules of the House of Representatives it has been printed as a report of the House of Representatives. The reports are identical.

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a joint explanatory statement of the committee of conference and a summary of the bill as agreed to by the conferees and adopted by both bodies be printed in the RECORD.

There being no objection, the joint explanatory statement, with accompanying tables, was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—OFFICE OF EDUCATION

Amendment No. 1: Provides that $1,565,000,000 of the amount appropriated for "Elementary and secondary education" shall be for financial assistance for the education of children from low-income families under Title I of the Elementary and Secondary Education Act, instead of $1,500,000,000 as proposd by the House and $1,650,000,000 as proposed by the Senate.

Amendment No. 2: Provides that $90,000,000 of the amount appropriated for "Elementary and secondary education" shall be for school library resources, textbooks, and other instructional materials under Title II of the Elementary and Secondary Education Act, instead of $85,000,000 as proposed by the House and $95,000,000 as proposed by the Senate.

Amendment No. 3: Provides that $146,393,000 of the amount appropriated for "Elementary and secondary education" shall be for supplementary educational centers and services and guidance, counseling, and testing under Title III of the Elementary and Secondary Education Act, instead of $143,393,000 as proposed by the House and $155,000,000 as proposed by the Senate.

Amendment No. 4: Provides that $50,000,000 of the amount appropriated for "Elementary and secondary education" shall be for equipment and minor remodeling under Title III–A of the National Defense Education Act, instead of $20,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 5: Provides that $60,060,000 of the amount appropriated for "Elementary and secondary education" shall be for the Follow Through program, as proposed by the Senate.

Amendment No. 6: Appropriates $1,993,278,000 for "Elementary and secondary education", instead of $1,822,218,000 as proposed by the House, and $2,146,885,000 as proposed by the Senate. This total reflects the agreements reached on amendments 1 through 5 and also includes $35,000,000 for bilingual education programs under Title VII of the Elementary and Secondary Education Act, instead of $27,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 7: Appropriates $612,620,000 for "School assistance in federally affected areas" instead of $607,580,000 as proposed by the House and $677,620,000 as proposed by the Senate.

Amendment No. 8: Deletes appropriation of $60,000,000 for making payments to school districts on account of children residing in low-rent public housing proposed by the Senate.

Amendment No. 9: Provides that $20,040,000 of the amount appropriated for "School assistance in federally affected areas" shall be for construction of school facilities under Public Law 815. instead of $15,000,000 as proposed by the House, and $25,040,000 as proposed by the Senate.

Amendment No. 10: Appropriates $115,750,000 for "Education for the handicapped", instead of $115,000,000 as proposed by the House and $116,500,000 as proposed by the Senate.

Amendment No. 11: Provides that $25,625,000 of the amount appropriated for "Vocational and adult education" shall be for consumer and homemaking education, instead of $21,250,000 as proposed by the House and $30,000,000 as proposed by the Senate.

Amendment No. 12: Provides that $61,300,000 of the amount appropriated for "Vocational and adult education" shall be for adult education, instead of $55,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

Amendment No. 13: Appropriates $569,027,000 for "Vocational and adult education", instead of $558,042,000 as proposed by the House and $602,412,000 as proposed by the Senate. This total includes $2,690,000 for State advisory councils instead of $2,380,000 as proposed by the House and $3,000,000 as proposed by the Senate. The managers are agreed that the present formula for State by State allocation of funds for advisory councils should be continued in fiscal year 1972.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971.

Amendments Nos. 15, 16, 17, 18, 19, 20, 21, and 23: Appropriate $1,341,784,000 for "Higher education" instead of $1,215,451,000 as proposed by the House and $1,529,704,000 as proposed by the Senate. The increase of $126,333,000 over the amount in the House bill is composed of the following items: $10,000,000 for educational opportunity grants for the academic year 1971–72; $40,000,000 for college work-study grants for the academic year 1971–72; $2,500,000 for the upward bound program; $13,000,000 for strengthening developing institutions; $43,000,000 for grants for construction of higher education facilities; $4,960,000 for aid to land-grant colleges; $12,500,000 for instructional equipment; and $373,000 for increased pay costs.

Amendment No. 22: Deletes language proposed by the Senate providing $5,000,000 for State administration and planning of higher education facilities construction programs.

Amendments Nos. 24 and 25: Delete language proposed by the Senate providing that amounts reallotted for grants for instructional equipment shall remain available until June 30, 1973.

Amendment No. 26: Deletes appropriation of $4,000,000 for "Initial funding of programs" proposed by the Senate.

Amendments Nos. 27, 28, 29, 30, and 31: Appropriate $85,109,000 for "Libraries and educational communications" instead of $72,109,000 as proposed by the House and $100,109,000 as proposed by the Senate; provide $49,209,000 for public library services instead of $40,709,000 as proposed by the House and $57,709,000 as proposed by the Senate; provide $9,500,000 for public library construction instead of $8,000,000 as proposed by the House and $11,000,000 as proposed by the Senate; provide $11,000,000 for college library resources instead of $10,000,000 as proposed by the House and $12,000,000 as proposed by the Senate; provide $2,000,000 for librarian training as proposed by the House instead of $4,000,000 as proposed by the Senate; and provide $13,000,000 for educational broadcasting facilities instead of $11,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 32: Appropriates $113,538,000 for "Research and development" instead of $105,000,000 as proposed by the House and $122,038,000 as proposed by the Senate. The increase of $8,538,000 over the appropriation proposed by the House is divided as follows: $38,000 for mandatory pay costs; $5,000,000 for drug abuse education which will make the total available for this purpose $13,000,000 compared with $8,000,000 included in the House bill and $15,000,000 included in the Senate bill; $1,500,000 for environmental education which will bring the total available for this purpose to $3,500,000 instead of $2,000,000 included in the House bill and $5,000,000 included in the Senate bill; and $2,000,000 for demonstration programs to evaluate the talents and aptitudes of students in elementary and secondary schools and to guide them to pursue the kind of education or training for which they are best suited, which is a new program proposed to be funded by the Senate and for which the Senate included $7,000,000.

Amendment No. 33: Appropriates $3,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the House instead of $4,000,000 as proposed by the Senate.

Amendment No. 34. Appropriates $51,200,-

000 for "Salaries and expenses" instead of $47,700,000 as proposed by the House and $51,645,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

*National Technical Institute for the Deaf*

Amendment No. 35: Appropriates $7,619,000 for "National Technical Institute for the Deaf" as proposed by the Senate instead of $4,119,000 as proposed by the House.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which earmarks $3,500,000 of the appropriation for "National Technical Institute for the Deaf" for construction and provides that the construction funds remain available until expended.

*Model Secondary School for the Deaf*

Amendment No. 37: Appropriates $17,482,000 for "Model Secondary School for the Deaf" as proposed by the Senate instead of $17,460,000 as proposed by the House.

*Gallaudet College*

Amendments Nos. 38 and 39: Appropriate $13,286,000 for "Gallaudet College" as proposed by the Senate instead of $11,525,000 as proposed by the House and provide that $5,194,000 shall be for construction as proposed by the Senate instead of $4,394,000 as proposed by the House.

*Howard University*

Amendment No. 40: Appropriates $47,277,000 for "Howard University" as proposed by the Senate instead of $45,543,000 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 amount, the 1972 budget estimate, and the House and Senate bills follows:

| | Amounts |
|---|---|
| New budget (obligational) authority, fiscal year 1971 | $4,583,206,500 |
| Budget estimates of new (obligational) authority, fiscal year 1972 (including $84,843,000 not considered by the House) | 5,153,186,000 |
| House bill, fiscal year 1972 | 4,800,088,000 |
| Senate bill, fiscal year 1972 | 5,615,918,000 |
| Conference agreement | 5,146,311,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1971 | +563,104,500 |
| Budget estimates of new (obligational) authority (as amended), fiscal year 1972: | |
| Actual | −6,875,000 |
| Adjusted [1] | +393,125,000 |
| House bill, fiscal year 1972 | +346,223,000 |
| Senate bill, fiscal year 1972 | −469,607,000 |

[1] Adjusted to exclude $400,000,000 requested for purchase of student loan notes, subject to authorizing legislation not yet enacted.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

THE 1972 EDUCATION AND SPECIAL INSTITUTIONS APPROPRIATION BILL, H.R. 7016 (INCLUDES EXTENSION LEGISLATION; EXCLUDES NEW LEGISLATION)

| Agency | 1971 comparable appropriation | 1972 budget estimate | House allowance | Senate allowance | Conference agreement |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| SUMMARY | | | | | |
| Office of Education | $4,485,307,500 | $5,031,558,000 | $4,684,861,000 | $5,493,674,000 | $5,024,067,000 |
| Special institutions | 74,899,000 | 86,628,000 | 80,227,000 | 87,244,000 | 87,244,000 |
| Total, HEW | 4,560,206,500 | 5,118,186,000 | 4,765,088,000 | 5,580,918,000 | 5,111,311,000 |
| Corporation for Public Broadcasting | 23,000,000 | 35,000,000 | 35,000,000 | 35,000,000 | 35,000,000 |
| Total, HEW and related agencies | 4,583,206,500 | 5,153,186,000 | 4,800,088,000 | 5,615,918,000 | 5,146,311,000 |

| Appropriation/activity | 1971 comparable appropriation | 1972 budget estimate | House allowance | Senate allowance | Conference agreement |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| OFFICE OF EDUCATION | | | | | |
| Elementary and secondary education: | | | | | |
| (1) Aid to school districts: | | | | | |
| (a) Educationally deprived children (ESEA I) | $1,500,000,000 | $1,500,000,000 | $1,500,000,000 | $1,650,000,000 | $1,565,000,000 |
| (b) Supplementary services, (ESEA III): | | | | | |
| (1) State plan programs | 123,712,820 | 123,716,432 | 123,716,432 | 133,700,000 | 126,134,000 |
| (2) Special programs and projects | 19,680,180 | 19,676,568 | 19,676,568 | 21,300,000 | 20,259,000 |
| Subtotal | 143,393,000 | 143,393,000 | 143,393,000 | 155,000,000 | 146,393,000 |
| (c) Library resources (ESEA II) | 80,000,000 | 80,000,000 | 85,000,000 | 95,000,000 | 90,000,000 |
| (d) Equipment and minor remodeling (NDEA III) | 50,000,000 | | 20,000,000 | 90,000,000 | 50,000,000 |
| Subtotal | 1,773,393,000 | 1,723,393,000 | 1,748,393,000 | 1,990,000,000 | 1,851,393,000 |
| (2) Dropout prevention (ESEA, Sec. 807) | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 |
| (3) Bilingual education (ESEA VII) | 25,000,000 | 25,000,000 | 27,000,000 | 50,000,000 | 35,000,000 |
| (4) Strengthening State departments of education (ESEA V-A) | 29,750,000 | 33,000,000 | 33,000,000 | 33,000,000 | 33,000,000 |
| (5) Follow Through: (Economic Opportunity Act 1964, Sec. 222) | | | | | |
| (a) Operations | 67,981,000 | 58,700,000 | | 58,700,000 | 58,700,000 |
| (b) Program direction | 1,019,000 | 1,360,000 | | 1,360,000 | 1,360,000 |
| Subtotal | 69,000,000 | [1] 60,060,000 | [2] | [2] 60,060,000 | 60,060,000 |
| (6) Planning and evaluation (Gen. Ed. Prov. Act, Sec. 402) | 8,825,000 | 3,825,000 | 3,825,000 | 3,825,000 | 3,825,000 |
| (7) Previously unfunded programs | | | | [3] 2,000,000 | |
| Total | 1,915,968,000 | 1,855,278,000 | 1,822,218,000 | 2,148,885,000 | 1,993,278,000 |
| School assistance in federally affected areas: | | | | | |
| (1) Maintenance and operations (Public Law 874) | 536,068,000 | 425,000,000 | 592,580,000 | 592,580,000 | 592,580,000 |
| (2) Construction (Public Law 815): | | | | | |
| (a) Program | 13,900,000 | 14,300,000 | 14,300,000 | 24,300,000 | 19,300,000 |
| (Obligations) | (27,424,000) | (24,300,000) | (24,300,000) | (34,300,000) | 19,300,000 |
| (b) Administration | 707,000 | [4] 740,000 | 700,000 | [4] 740,000 | [4] 740,000 |
| Subtotal | 14,607,000 | 15,040,000 | 15,000,000 | 25,040,000 | 20,040,000 |
| (3) Public housing | | | | 60,000,000 | 0 |
| Total | 550,675,000 | 440,040,000 | 607,580,000 | 677,620,000 | 612,620,000 |
| Emergency school assistance: | | | | | |
| (1) Special education personnel and programs | 57,500,000 | | | | |
| (2) Community participation programs | 7,500,000 | | | | |
| (3) Equipment and minor remodeling | 7,900,000 | | | | |
| (4) Federal administration and technical assistance | 1,953,000 | | | | |
| Total | [5] 74,853,000 | [6] | | | |
| Education for the handicapped: | | | | | |
| (1) State grant programs (EHA, part B) | $34,000,000 | $35,000,000 | $37,500,000 | $37,500,000 | $37,500,000 |
| (2) Early childhood projects (EHA, part C, sec. 623) | 7,000,000 | 7,500,000 | 7,500,000 | 7,500,000 | 7,500,000 |
| (3) Teacher education and recruitment: | | | | | |
| (a) Teacher education (EHA, part D) | 32,600,000 | 34,645,000 | 34,645,000 | 34,645,000 | 34,645,000 |
| (b) Recruitment and information (EHA, part D, sec. 633) | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 |
| Subtotal | 33,100,000 | 35,145,000 | 35,145,000 | 35,145,000 | 35,145,000 |

Footnotes at end of table.

| Appropriation/activity (1) | 1971 comparable appropriation (2) | 1972 budget estimate (3) | House allowance (4) | Senate allowance (5) | Conference agreement (6) |
|---|---|---|---|---|---|
| OFFICE OF EDUCATION—Continued | | | | | |
| (4) Research and innovation: | | | | | |
| (a) Research and demonstration (EHA, part E) | 15,300,000 | 15,755,000 | 15,755,000 | 15,755,000 | 15,755,000 |
| (b) Regional resource centers (EHA, part C, sec. 621) | 3,550,000 | 3,550,000 | 3,550,000 | 3,550,000 | 3,550,000 |
| (c) Deaf-blind centers (EHA, part C, sec. 622) | 4,500,000 | 5,000,000 | 7,500,000 | 7,500,000 | 7,500,000 |
| (d) Media services and captioned films (EHA, part F) | 6,000,000 | 6,000,000 | 6,000,000 | 6,000,000 | 6,000,000 |
| (e) Specific learning disabilities (EHA, part G) | 1,000,000 | 1,500,000 | 1,500,000 | 3,000,000 | 2,250,000 |
| Subtotal | 30,350,000 | 31,805,000 | 34,305,000 | 35,805,000 | 35,055,000 |
| (5) Planning and evaluation (Gen. Ed. Prov. Act, Sec. 402) | 550,000 | 550,000 | 550,000 | 550,000 | 550,000 |
| Total | 105,000,000 | 110,000,000 | 115,000,000 | 116,500,000 | 115,750,000 |
| Vocational and adult education: | | | | | |
| (1) Grants to States for vocational education: | | | | | |
| (a) Basic vocational education programs (VEA, pt. B) | 315,632,400 | 377,012,000 | 377,012,000 | 377,012,000 | 377,012,000 |
| (b) Programs for students with special needs (VEA, sec. 102(b)) | 20,000,000 | ---------- | 20,000,000 | 20,000,000 | 20,000,000 |
| (c) Consumer and homemaking education (VEA, pt. F) | 21,250,000 | ---------- | 21,250,000 | 30,000,000 | 25,625,000 |
| (d) Work study (VEA, pt. H) | 5,500,000 | ---------- | 6,000,000 | 6,000,000 | 6,000,000 |
| (e) Cooperative education (VEA, pt G) | 18,500,000 | ---------- | 19,500,000 | 19,500,000 | 19,500,000 |
| (f) State advisory councils (VEA, pt A, sec. 104) | 2,380,000 | ---------- | 2,380,000 | 3,000,000 | 2,690,000 |
| Subtotal | 383,262,400 | 377,012,000 | 446,142,000 | 455,512,000 | 450,827,000 |
| (2) Vocational research: | | | | | |
| (a) Grants to States for innovation (VEA, pt. D) | 16,000,000 | ---------- | 16,000,000 | 16,000,000 | 16,000,000 |
| (b) Curriculum development (VEA, pt. I) | 4,000,000 | ---------- | 4,000,000 | 4,000,000 | 4,000,000 |
| (c) Research: | | | | | |
| (1) Grants to States (VEA, pt. C) | 35,033,600 | ---------- | 18,000,000 | 18,000,000 | 18,000,000 |
| (2) Special projects (CRA) | ---------- | 36,000,000 | 18,000,000 | 18,000,000 | 18,000,000 |
| Subtotal | 35,033,600 | 36,000,000 | 36,000,000 | 36,000,000 | 36,000,000 |
| Subtotal | 55,033,600 | 36,000,000 | 56,000,000 | 56,000,000 | 56,000,000 |
| (3) Adult education: (Adult Education Act) | | | | | |
| (a) Grants to States | 45,000,000 | 45,000,000 | 45,000,000 | 80,000,000 | 51,300,000 |
| (b) Special projects and teacher education | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 |
| Subtotal | 55,000,000 | 55,000,000 | 55,000,000 | 90,000,000 | 61,300,000 |
| (4) Planning and evaluation (Gen. Ed. Prov. Act) | 900,000 | 900,000 | 900,000 | 900,000 | 900,000 |
| Total | 494,196,000 | 468,912,000 | 558,042,000 | 602,412,000 | 569,027,000 |
| Higher education: | | | | | |
| (1) Student assistance: | | | | | |
| (a) Grants and workstudy [7] | 327,700,000 | [8] 971,300,000 | 528,000,000 | 708,800,000 | 578,000,000 |
| EOG's | (167,700,000) | [9] (435,600,000) | (165,300,000) | (270,700,000) | (175,300,000) |
| Workstudy | (158,400,000) | [9] (534,000,000) | (361,000,000) | (436,400,000) | (401,000,000) |
| Cooperative education | (1,600,000) | (1,700,000) | (1,700,000) | (1,700,000) | (1,700,000) |
| (b) Subsidized insured loans: [7] | | | | | |
| (1) Interest on basic NDEA-type loans | ---------- | [8] 65,000,000 | ---------- | ---------- | ---------- |
| (Amount of new loans subsidized) | ---------- | (800,000,000) | ---------- | ---------- | ---------- |
| (2) Interest on special NDEA-type cost-of-education loans | ---------- | [8] 20,000,000 | ---------- | ---------- | ---------- |
| (Amount of new loans subsidized) | ---------- | (250,000,000) | (----------) | (----------) | (----------) |
| (3) Purchases of loan paper (including advances) | ---------- | [8] 400,000,000 | ---------- | ---------- | ---------- |
| (4) Proceeds of sales of loan paper | (----------) | [8] (—400,000,000) | (----------) | (----------) | (----------) |
| (5) Interest on subsidized loans | 143,200,000 | 160,000,000 | 196,600,000 | 196,600,000 | 196,000,000 |
| (Amount of new loans subsidized) | (1,000,000,000) | (----------) | (1,160,000,000) | (1,160,000,000) | (1,160,000,000) |
| (6) Reserve fund advances | (2,000,000) | (2,234,000) | (2,234,000) | (2,234,000) | (2,234,000) |
| (7) Program administration | 4,600,000 | [10] 6,971,000 | 6,800,000 | [10] 6,971,000 | [10] 6,971,000 |
| (c) Direct loans (NEDA II) | 243,000,000 | 5,000,000 | 293,000,000 | 293,000,000 | 293,000,000 |
| Subtotal | 718,500,000 | 1,628,271,000 | 1,024,400,000 | 1,205,371,000 | 1,074,571,000 |
| (2) Special programs for the disadvantaged: (HEA 1965, title IV): | | | | | |
| (1) Talent search | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| (2) Upwardbound | 30,061,000 | [11] 30,169,000 | 30,100,000 | [11] 35,169,000 | [11] 32,669,0000 |
| (Administration) | (1,535,000) | (1,669,000) | (1,600,000) | (1,669,000) | (1,669,000) |
| (3) Special services in college | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 |
| Subtotal | 50,061,000 | 50,169,000 | 50,100,000 | 55,169,000 | 52,669,000 |
| (3) Institutional assistance: | | | | | |
| (a) Strengthening developing institutions (HEA III) | 33,850,000 | [12] 53,850,000 | 38,850,000 | [12] 53,850,000 | 51,850,000 |
| (b) Construction: | | | | | |
| (1) Subsidized loans | 21,000,000 | 29,010,000 | 29,010,000 | 29,010,000 | 29,010,000 |
| (HEFA III): | | | | | |
| (Obligations) | (21,894,000) | (39,993,000) | (39,993,000) | (39,993,000) | (39,993,000) |
| (Amount of new loans subsidized) | (600,000,000) | (620,000,000) | (620,000,000) | (620,000,000) | (620,000,000) |
| (2) Grants (HEFA I and II) | 43,000,000 | ---------- | ---------- | 78,000,000 | 43,000,000 |
| (3) State administration and planning (HEFA I) | 6,000,000 | 3,000,000 | 3,000,000 | 5,000,000 | 3,000,000 |
| (4) Federal administration (sec. 406, HEFA) | 2,496,000 | [13] 2,530,000 | 2,397,000 | [13] 2,530,000 | [13] 2,530,000 |
| (c) Language training and area studies (NDEA VI; Fulbright-Hays Act) | 8,000,000 | 15,300,000 | 15,300,000 | 15,300,000 | 15,300,000 |
| (d) International education | ---------- | ---------- | ---------- | 500,000 | 0 |
| (e) University community services (HEA I) | 9,500,000 | 9,500,000 | 9,500,000 | 9,500,000 | 9,500,000 |
| (f) Aid to land-grant colleges (Bankhead-Jones Act) | 10,080,000 | ---------- | 5,040,000 | 12,120,000 | 10,000,000 |
| (g) Undergraduate instructional equipment (HEA VI) | 7,000,000 | ---------- | ---------- | 25,000,000 | 12,500,000 |
| (h) Law school clinical experience | ---------- | ---------- | ---------- | 1,000,000 | 0 |
| (i) Previously unfunded programs | ---------- | ---------- | ---------- | [14] 1,500,000 | 0 |
| Subtotal | 140,926,000 | 113,190,000 | 103,097,000 | 233,310,000 | 176,690,000 |
| (4) College personnel development: | | | | | |
| (a) College teacher fellowship (NDEA IV) | 47,350,000 | 26,910,000 | 26,910,000 | 26,910,000 | 26,910,000 |
| (b) Training programs (EPDA, pt. E) | 10,000,000 | 10,044,000 | 10,044,000 | 10,044,000 | 10,044,000 |
| Subtotal | 57,350,000 | 36,954,000 | 36,954,000 | 36,954,000 | 36,954,000 |
| (5) Planning and evaluation (Gen. Ed. Prov. Act, sec. 402) | 900,000 | 900,000 | 900,000 | 900,000 | 900,000 [1] |
| Total, higher education | 967,737,000 | 1,829,484,000 | 1,215,451,000 | 1,531,704,000 | 1,341,784,000 |

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

THE 1972 EDUCATION AND SPECIAL INSTITUTIONS APPROPRIATION BILL, H.R. 7016 (INCLUDES EXTENSION LEGISLATION; EXCLUDES NEW LEGISLATION)—Continued

| Appropriation/activity | 1971 comparable appropriation | 1972 budget estimate | House allowance | Senate allowance | Conference agreement |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| OFFICE OF EDUCATION—Continued | | | | | |
| Education professions development: | | | | | |
| (1) Personnel training and development (EPDA, pts. B, D, and F, sec. 504) | 67,900,000 | 59,700,000 | 59,700,000 | 59,700,000 | 59,700,000 |
| (2) Special programs serving schools in low-income areas: | | | | | |
| (a) Teacher Corps. (EPDA, pt. B-1) | 30,800,000 | 37,435,000 | 37,435,000 | 37,435,000 | 37,435,000 |
| (b) Career opportunities and urban/rural school programs (EPDA, pt. D) | 35,100,000 | 36,665,000 | 36,665,000 | 36,665,000 | 36,665,000 |
| Subtotal | 65,900,000 | 74,100,000 | 74,100,000 | 74,100,000 | 74,100,000 |
| (3) Planning and evaluation (Gen. Ed. Act, sec. 402; EPDA, sec. 503) | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| Total | 135,800,000 | 135,800,000 | 135,800,000 | 135,800,000 | 135,800,000 |
| Libraries and educational communications: | | | | | |
| (1) Public libraries: | | | | | |
| (a) Services (LSCA I, III) | 40,709,000 | 18,000,000 | 40,709,000 | 57,709,000 | 49,209,000 |
| (b) Construction (LSCA II) | 7,092,500 | | 8,000,000 | 11,000,000 | 9,500,000 |
| Subtotal | 47,801,500 | 18,000,000 | 48,709,000 | 68,709,000 | 58,709,000 |
| (2) College library resources (HEA II-A) | 9,900,000 | 5,000,000 | 10,000,000 | 12,000,000 | 11,000,000 |
| (3) Librarian training (HEA II-B) | 3,900,000 | 2,000,000 | 2,000,000 | 4,000,000 | 2,000,000 |
| (4) Educational broadcasting facilities title III, pt. IV, Communications Act of 1934) | 11,000,000 | 4,000,000 | 11,000,000 | 15,000,000 | 13,000,000 |
| (5) Planning and evaluation (Gen. Ed. Prov. Act, sec. 402) | 400,000 | 400,000 | 400,000 | 400,000 | 400,000 |
| Total | 73,001,500 | 29,400,000 | 72,109,000 | 100,109,000 | 85,109,000 |
| Research and development Cooperative Research Act, except as indicated): | | | | | |
| (1) Educational research and development: | | | | | |
| (a) Educational research | 11,959,000 | 7,500,000 | 7,000,000 | 7,000,000 | 7,000,000 |
| (b) Development | 3,041,000 | 9,000,000 | 9,000,000 | 9,000,000 | 9,000,000 |
| Sesame Street | (2,000,000) | (5,000,000) | (5,000,000) | (5,000,000) | (5,000,000) |
| (c) Institutional support (laboratories and centers) | 33,406,000 | 34,000,000 | 33,000,000 | 33,000,000 | 33,000,000 |
| (d) Libraries and educational technology | 2,171,000 | 3,000,000 | 2,750,000 | 2,750,000 | 2,750,000 |
| (e) Nutrition and health | 2,000,000 | 500,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| (f) Drug abuse education (Drug Abuse Education Act of 1970) | 6,000,000 | 6,024,000 | 8,000,000 | 15,024,000 | 13,024,000 |
| (g) Environmental education (Environmental Education Act) | 2,000,000 | 2,014,000 | 2,000,000 | 5,014,000 | 3,514,000 |
| (h) Career education | | | | 7,000,000 | 2,000,000 |
| Subtotal | 60,577,000 | [15] 62,038,000 | 63,750,000 | [15] 80,788,000 | 72,288,000 |
| (2) Experimental schools | 12,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 |
| (3) National achievement study | 4,500,000 | 6,000,000 | 5,500,000 | 5,500,000 | 5,500,000 |
| (4) Demonstrations | 2,250,000 | 2,250,000 | 2,250,000 | 2,250,000 | 2,250,000 |
| (5) Evaluations | 4,000,000 | 4,000,000 | 3,750,000 | 3,750,000 | 3,750,000 |
| (6) Dissemination (Gen. Ed. Prov. Act, sec. 412) | 8,500,000 | 8,500,000 | 8,000,000 | 8,000,000 | 8,000,000 |
| (7) Training | 3,250,000 | 4,000,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| (8) Statistics | 3,000,000 | 3,250,000 | 3,250,000 | 3,250,000 | 3,250,000 |
| Total | 98,077,000 | 105,038,000 | 105,000,000 | 122,038,000 | 113,538,000 |
| Educational activities overseas (special foreign currency program—Public Law 480) | 3,000,000 | 3,000,000 | 3,000,000 | 4,000,000 | 3,000,000 |
| Salaries and expenses | 46,048,000 | [16] 51,645,000 | 47,700,000 | [16] 51,645,000 | [16] 51,200,000 |
| Student loan insurance fund (HEA IV-B) | 18,000,000 | | | | |
| Higher education facilities loan fund (HEFA III): | | | | | |
| (1) Loans to higher education institutions | | | | | |
| (Obligations) | (35,000,000) | | | | |
| (2) Participation sales insufficiencies | 2,952,000 | 2,961,000 | 2,961,000 | 2,961,000 | 2,961,000 |
| (Obligations) | (30,150,000) | (33,003,000) | (33,003,000) | (33,003,000) | (33,003,000) |
| Total | 2,952,000 | 2,961,000 | 2,961,000 | 2,961,000 | 2,961,000 |
| Total, Office of Education | 4,485,307,500 | 5,031,558,000 | 4,684,861,000 | 5,493,674,000 | 5,024,067,000 |
| American Printing House for the Blind | 1,517,000 | 1,580,000 | 1,580,000 | 1,580,000 | 1,580,000 |
| National Technical Institute: | | | | | |
| (1) Academic program | 3,608,000 | 4,119,000 | 4,119,000 | 4,119,000 | 4,119,000 |
| (2) Construction | 21,836,000 | [17] 3,500,000 | | [17] 3,500,000 | [17] 3,500,000 |
| Subtotal | 25,444,000 | 7,619,000 | 4,119,000 | 7,619,000 | 7,619,000 |
| Model Secondary School for the Deaf: | | | | | |
| (1) Academic program | 2,212,000 | 2,524,000 | 2,502,000 | 2,524,000 | 2,524,000 |
| (2) Construction | 250,000 | 14,958,000 | 14,958,000 | 14,958,000 | 14,958,000 |
| Subtotal | 2,462,000 | [18] 17,482,000 | 17,460,000 | [18] 17,482,000 | [18] 17,482,000 |
| Gallaudet College: | | | | | |
| (1) Academic program | 5,879,000 | 7,476,000 | 7,131,000 | 8,092,000 | 8,092,000 |
| (2) Construction | 1,400,000 | 5,194,000 | 4,394,000 | 5,194,000 | 5,194,000 |
| Subtotal | 7,279,000 | [19] 12,670,000 | 11,525,000 | 13,286,000 | 13,286,000 |
| Howard University: | | | | | |
| (1) Academic program | 24,912,000 | 31,158,000 | 30,321,000 | 31,158,000 | 31,158,000 |
| (2) Construction | 1,000,000 | 2,490,000 | 2,490,000 | 2,490,000 | 2,490,000 |
| (3) Freedmen's Hospital | 12,285,000 | 13,629,000 | 12,732,000 | 13,629,000 | 13,629,000 |
| Subtotal | 38,197,000 | [20] 47,277,000 | 45,543,000 | [20] 47,277,000 | [20] 47,277,000 |
| Total, Special Institutions | 74,899,000 | 86,628,000 | 80,227,000 | 87,244,000 | 87,244,000 |

[1] Includes proposed budget amendment of $60,000 for increased pay which was not considered by House.
[2] Not considered by House.
[3] Includes $500,000 each for grants to strengthen local educational agencies (ESEA V-B); Comprehensive planning and evaluation (ESEA V-C); school nutrition and health services (ESEA sec. 808) and education in correctional institutions (ESEA, sec. 809).
[4] Includes proposed budget amendment of $40,000 for increased pay which was not considered by House.
[5] Excludes $425,000,000 proposed for separate transmittal.
[6] Excludes $1,000,000,000 proposed for separate transmittal.
[7] HEA 1965, title IV.
[8] Dependent on proposed extension legislation.
[9] Only an estimate of how institutions would split funds between work-study and educational opportunity grants.
[10] Includes budget amendments of $171,000 for increased pay which was not considered by House.
[11] Includes budget amendment of $69,000 for increased pay which was not considered by House.
[12] Includes budget amendment of $15,000,000, not considered by House.
[13] Includes budget amendment of $133,000 for increased pay costs which was not considered by House.
[14] Includes $500,000 each for the following: Networks for knowledge (HEA V-B), Public service education (HEA V-C), improvement of graduate programs (HEA X).
[15] Includes proposed budget amendment of $38,000 for increased pay which was not considered by House.
[16] Includes budget amendment of $2,666,000 for increased pay which was not considered by House.
[17] Includes budget amendment of $3,500,000, not considered by House.
[18] Includes proposed budget amendment of $22,000 for increased pay which was not considered by House.
[19] Includes the following budget amendments not considered by the House: $1,278,000 for Kendall School for the Deaf, and $132,000 for increased pay costs.
[20] Includes proposed budget amendment of $1,734,000 for increased pay which was not considered by House.

Mr. COTTON. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, we on the committee are saddened by the fact that Mr. Herman Downey, who for many years was the chief clerk of the subcommittee, passed away last week, and his funeral takes place this afternoon. The minority staff member who would normally be in attendance is necessarily at that funeral. Therefore, I ask unanimous consent that I may have a member of my own staff present during the consideration of this measure, and, should there be votes, that he not be compelled to leave the Chamber during those votes.

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

Mr. MAGNUSON. Mr. President, I join with my colleague in tribute to Mr. Downey. He served long and well on the subcommittee, and was one of the right arms of the Appropriations Committee. I regret and grieve his death.

Mr. President, before I move the adoption of the conference report on H.R. 7016, I would like to comment very briefly on several aspects of the bill as agreed to by the conferees.

First, the total bill, as reported out of conference is $5,146,311,000, which is under the Senate bill of $5,615,918,000 by $469,607,000.

The conference figure, however, does provide $346,223,000 more for education than was in the House bill of $4,800,-088,000.

A comparison of the conference bill to the budget estimate is somewhat awkward and complicated. Based on the actual estimate sent to the Congress, the conference figure is $6,875,000 below the administration's figure as presented in the budget.

However, if we adjust the estimate to exclude $400,000,000 requested for the purchase of student loan notes, which has not been authorized by the legislative committees, then we are $393,125,000 over what the President said was enough for education this year.

The conference figure is over the fiscal year 1971 comparable appropriation of $4,583,206,500 by $563,104,500. The House, today, adopted this conference agreement by a rollcall vote of 376 to 15.

I am hopeful that the Senate will also indicate its strong support to providing an additional $346.2 million over the House in meeting the needs of education.

We can then send this bill to the President for his signature. If signed, this bill will then become somewhat of a historical document. First, because it provides more Federal funds for education than any bill ever to pass this Congress, and, second, because it is one of the earliest education appropriation bills ever to clear Congress, before the fiscal year has ended.

The Congress spent many long hours deliberating on this education money bill. I think it is a good bill—not as much as the Senate thought it ought to be, but more than the House and HEW thought it should be, and that is what a conference is all about.

Some of the Members of the Senate are disappointed that we could not do better on certain specific items—particularly one—in conference. I was hoping, and did try, as did all the Senate conferees, to return to this Chamber with a larger amount. However, if anyone has ever been in conference on any appropriation bill with the House—one realizes how difficult it is to prevail on any Senate increase.

It just seems to me that we cannot, on some of these critical education needs, continue to fail to meet our commitments with promises that are likely to be discarded like Dixie cups.

However, the educators and the students need to know what this Government's contribution will be for this fiscal year and they need to know it now—and this committee needs now to turn its attention to other pressing matters.

For the record, let me cite the areas where the conference figures exceed the President's budget estimate and the House allowance

Elementary and secondary education, $1,993,278,000.

School assistance in federally impacted areas—what is known as impacted aid—$612,620,000.

Education for the Handicapped, $115,-750,000.

Vocational and Adult Education, $569,027,000.

Libraries and Educational Communications, $85,109,000.

Research and Development, $113,538,-000.

Special Institutions, $87,244,000.

Mr. CASE. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. MAGNUSON. I yield.

Mr. CASE. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. MAGNUSON. These increases cover every major part of the bill except higher education. The Senate action provided an opportunity for an increase in every portion of this education appropriation bill. Based on existing legislation and not pending or proposed legislation, the conference figures provide more in this area, also.

That, Mr. President, briefly, is the substance of the conference agreement. I know that other Senators, including the ranking minority member of the subcommittee, the distinguished Senator from New Hampshire, wish to make some remarks, also. So, in concluding, let me just add that, as chairman and manager of this appropriation bill in the Senate, I have some very strong feeling about this Nation's educational system, and we evidenced that in this bill and this conference.

In education, we once represented a kind of beacon light to the world. We should—and I hope we can again. This Nation represents great wealth and great power. These resources should be directed toward human needs and enlightenment and the learning process, not toward ventures more easily associated with greed or destruction.

I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I will not detain the Senate. I am sure certain specific matters will be raised by Senators, both on the committee and off the committee, regarding the acceptability of the conference report. I would rather reserve my statements until then.

The general explanation of the bill has been well covered by the distinguished chairman of the subcommittee, the Senator from Washington.

There always is a certain fuzzy area. I have waited for years for the day I could stand up and say, that we are over or under the Bureau of the Budget estimate by $x$ number of dollars. Somehow, that time never comes, because there always are complications.

As already has been mentioned by the distinguished chairman, the recommendation of the Office of Management and Budget, included money for appropriations for programs which we had no authorization. The authorization bills have not been passed by Congress. Accordingly it was impossible for us to appropriate for these programs. So it is somewhat misleading when we compare the ultimate result of the conference report with the total recommendations of the Bureau of the Budget; because in the budget were recommendations that could not be appropriated, and in their place certain appropriations were made that do not conform. I assume, these increases do not have the entire approval of the President or the Department of Health, Education, and Welfare.

But the vital comparison is, with respect to the House bill, which was extremely frugal—almost too much so, many of us felt because of the great needs of education—that comparison indicates that the conference report exceeds the original House bill by $346,-223,000. We on the subcommittee, and I think on the full committee, are unanimous in feeling that this increase is thoroughly necessary and justifiable.

If the conference report is adopted, I have high hopes that it will be acceptable to the administration, even though the overage over the House bill will not be entirely satisfactory. I have no ground for saying this. It is just my own individual opinion and hope. I do not attempt to predict what the administration's attitude will be.

We have the same old problems that we have every year, and one of the most acute problems is the matter of the aid to the Federally impacted area. Included in the Senate bill was $60,000,000 for funds in those localities having loss of taxes and revenue because of property devoted to public housing. Every member of the conference committee representing the Senate, on both sides of the aisle, endeavored to hold that appropriation in the conference report. But the House conferees were adamant.

As a matter of fact, it is the individual opinion of the Senator from New Hampshire, after some 10 years on this subcommittee, that the perplexing and vexing problem of impacted area funds never will be brought into control until we legislatively change the entire approach and reach the time when it is openly and frankly a matter of pay-

ments to make up the loss of taxes. When we approach that, we do not have all these distinctions between the A and the B and the C classes. We will not have the distinction between Federal installations and federally assisted public housing. We would approach it as money in lieu of taxes, and we have one standard and one measure to apply. It is the hope of this Senator—I do not know how soon it will come, but before he terminates his service in the Senate—that we can try that kind of approach, because it is realistic and all inclusive and avoids many of the distinctions, and, I might say, the discriminations in this matter of impacted area funds.

I think that we are agreed on the committee, as a result of the conference and the bill we brought in, that from all standpoints it is a good bill and represents the best we can do today to satisfy the many and diverse needs of education.

Mr. President, before I relinquish the floor, the distinguished Senator from Washington (Mr. MAGNUSON) cited for the RECORD the total amounts of the items when the conference figures exceeded the House allowance. I would like to place in the RECORD at this point for each of those items, the specific amount the conference report exceeds the House bill in each instance.

The figures are as follows:

| | |
|---|---|
| Elementary and secondary education | $171,060,000 |
| Impact area aid | 5,040,000 |
| Education for the handicapped | 750,000 |
| Vocational and adult education | 10,985,000 |
| Higher education | 126,333,000 |
| Libraries and educational communications | 13,000,000 |
| Research and development | 8,538,000 |
| Salaries and expenses | 3,500,000 |
| National tech. inst. | $3,500,000 |
| Model school for deaf | 22,000 |
| Gallaudet College | 1,761,000 |
| Howard University | 1,734,000 |
| Total | 346,223,000 |

Mr. MAGNUSON. Mr. President, if there are no questions, and I know that the Senator from New Jersey, the Senator from New York and the Senator from Illinois may have a few remarks to make or may wish to ask questions, let me yield the floor to any of those Senators who wish to speak at this time.

Mr. CASE. Mr. President, my remarks will be very brief, but I hope to the point.

Mr. COTTON. The Senator should use his microphone.

Mr. CASE. I thank the Senator from New Hampshire. It is nice to know that what I shall have to say may be of interest to my colleagues.

Mr. COTTON. I want to hear it.

Mr. CASE. I hope that it will be of interest. I believe that it will be. I recognize that the bill which the conference committee has reported contains funds which are urgently needed by many educational programs, but I refused to sign the conference report and I intend to vote against it. That in no way reflects any lack of concern on my part for approving funds for the various educational programs far enough ahead so that the school boards can plan their budgets for the coming school year. I have long urged that this be done. I think it is a very good thing and I am glad that we are getting action on the bill at this time. I wish the action were even sounder than it is. Although in a number of respects it has been said by our chairman and the ranking minority member that the Senate has improved the bill as it came over to us, I wish we had carried that improvement further.

As I said, my major objection to the conference report could be remedied quickly to adding to it the funds to compensate school districts for the cost of educating children whose parents live in low-income public housing. We are dealing with the question of equity here. The conference report contains no funds—none at all—to enable the local school districts to cover the cost of educating children living in public housing. Yet there is an identifiable economic need for this assistance, since those living in public housing are at or near the poverty level.

I want to point out, Mr. President, that last year Congress authorized a program of $300 million a year for the category C. Last year, the Appropriations Committee recommended no funds for that program and it was not funded. This year the Senate committee received the bill from the House containing no funds and, properly, the Senate committee proceeded to add $60 million for that particular purpose. Unfortunately, the zeal of Senators and the majority of the members of the conference committee exhausted itself in that action, and its resistance to opposition by the House conferees was not what I would call spirited. Contrary to the usual practice, when there is a difference in the amount between Senate and House bills the difference is split, but we did not split the difference in this case. The majority just caved in.

As I said, the bill contains nothing for category C. I think, frankly, although I am a member of the Appropriations Committee and I have great respect for it, that it exceeds the proper competence of the Appropriations Committee to kill a program authorized by Congress. I think it can adjust the funds in amount. It can adjust the schedule of appropriations particularly in relation to the economic needs of the country, but to take the position that the Appropriations Committee has the authority to say no as a matter of substance to a program that Congress authorized, it seems to me is something that should be protested by the Senate as a whole—and I do make that protest now.

This is no part of the function of the Appropriations Committee of the Senate or of the House. In this matter, the House Committee was more arrogant than any I have ever known before in dealing with matters of this kind, in deciding to kill a program because they do not happen to like it even though it has been authorized by the Congress as a whole.

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

Mr. CASE. I am happy to yield at this point to the Senator for New York.

Mr. JAVITS. Mr. President, the program to which the Senator from New Jersey (Mr. CASE) so eloquently referred was sponsored in the Senate by the Senator from Missouri (Mr. EAGLETON) and myself. It sought to repair the long-standing inequity and discrimination existing against city districts which experienced impacted areas because of federally backed installations of Federal housing. Whatever might be the pros and cons of that argument, it all has been passed upon by the Congress and the President. It is now part of Public Law 91-230.

I thoroughly agree with the Senator from New Jersey. I have served on the Appropriations Committee, and I have run into the brick wall just as he did. I did it in connection with something called the Teachers Corps. We may recall that we had to reject the conference report in that case. It is unlikely that we will reject this conference report. However, that is the only way we can ever get any redress in this kind of a situation where the Appropriations Committees of both Houses in a sense, because of the conference report, just cancel out what Congress has done.

The only remote excuse is that of priority. In other words, there is one priority which exceed another. However, when we appropriate over $600 million for impacted areas and then refuse to allow 10 percent of that amount to the cities, notwithstanding the fact that there is just as much grave question about the entire $600 million as there is about the $60 million by the impassioned person who might argue for or against it, it does not provide equity.

It would seem that the only way the cities have in which to protest is by our rejecting the conference report. However, that action would be unlikely to be successful at this time.

Many would question why for a matter of $60 million we might reject an excellent conference report. I am the ranking minority member of the Labor and Public Welfare Committee which is the authorizing committee. I think the conferees did an excellent job. However, looking at the matter from the point of equity and seeing how the cities will ever get redress, we find that there is a kind of rural bias and people tend to think that the only good things happen in the country rather than in the cities. That is shown by this action. There is not any hope for equity at this time.

I thoroughly agree with the Senator from New Jersey, having learned the hard way. I think it is the only way to progress.

I hope, as the Dodgers used to say when they played in New York, "Wait until next year." I say that we should wait until next year when we can gear ourselves up so that we will have an organized movement, which we do not have at the present time, to reject the conference report.

Mr. CASE. Mr. President, I appreciate the comments of the Senator from New York and his efforts in this regard. I agree with the Senator. We will not win this time, but there will be another year.

The only question that I have at all concerning anything that he said in his eloquent remarks is something that I think the Senator from Illinois is anxious to say himself. This does not affect

only the cities. There are public housing installations in many of the small towns. We have something like 60 small towns in New Jersey that will benefit in large measure from the $60 million if it were to be included in the measure.

If the Senator from Illinois wants to make some remarks I would be happy to yield for that purpose.

Mr. PERCY. Mr. President, I would be very happy to comment at this time. I would like to begin by saying that the Senator from New York (Mr. JAVITS) served on the Appropriations Committee for a long time and I have just recently begun my service on that committee. I consider my appointment to the Appropriations Committee a distinct honor and privilege. Many times I leave the meetings with a feeling of exhilaration. There are no reporters or TV cameras there, but this is where the real work is done.

In those instances, when we are able to shift funds from a low-priority item to a high-priority item, I experience some of the most exhilarating feelings I have ever had in the Senate. However, when I left this conference, I was quite depressed in spite of the fact that the Senate had included money for impacted areas for public housing. I felt we had met with conferees whose attitude appeared to be: "We have made up our minds. Do not tell us the facts. We do not want to know we know. We are adamant. We are rigid. Do not open up a Pandora's box. We do not want to hear about it."

I found this very disturbing. There were two weak arguments given as to why Federal assistance for public housing should not be provided.

The first was, that this would be a double dividend because, after all, an annual contribution is made.

I dug under the covers to see what was going to happen to that annual contribution. In the 1972 budget which is coming up, in the HUD request, I found little or nothing. In fact, I found that the annual contribution, instead of being increased, is being phased out.

Under the Housing Act of 1937 an annual contribution was authorized for the local housing authorities. The appropriations have been so small that they barely pay 10 percent of the cost of operating the housing units. There is not a penny that goes to the school boards. Litle wonder, then, that although we have a great civil rights revolution, although we decide that we will have an integrated society, that there will be no barrier between the black and the white communities, there has not been any action. The courts have said that this should be done. The President of the United States has said it. The Congress has said it. It is no surprise that a community would not welcome with open arms public housing projects when no money is given to help educate the children who are brought in. There are over 100,000 people who have migrated to Chicago to look for better opportunities. What happens? The people of the city of Chicago have to run down the rest of the school system to absorb these additional children.

The second cliche that was offered was that somehow there is something very righteous and very good about representatives sitting around the conference table and talking about funds for housing in cities such as Los Angeles, Chicago, and New York.

When I tried to make my point—that the funds would not go primarily to big cities—no one on the House side even wanted to listen. So, I would like to put the figures into the RECORD to show where the public housing actually is.

Today, in cities with populations of 2,500, we have 84,284 public housing units. That is 7 percent of the total.

In cities with populations of 2,500 to 4,999, we have 48,412 public housing units. That is 4 percent of the total.

In cities from 5,000 to 10,000 population—certainly those cities are not great metropolises by any means—we have 70,133 public housing units. That is 6 percent of the total.

So, when we look at communities of less than 10,000 in the United States, we find 17 percent of the public housing projects. These communities are penalized by our forgetting the fact that by putting public housing units there, we encourage low-income people to live there and we deprive these communities of any assistance in the added cost of education imposed by the number of children added to the school system.

When we consider cities with a population of 10,000 to 25,000—and that category would not include New York, Chicago, or Los Angeles—we find 116,092 public housing units, or about 9 percent of the total.

When we consider cities with a population of 25,000 to 50,000, we have 103,925 public housing units, or another 9 percent. In cities of 50,000 to just under 100,000 in population, we find 129,073 public housing units, or 11 percent. This indicates that 46 percent of all public housing exists in cities with populations of less than 100,000.

Under the next category, that is, of cities with a population of 100,000 to 250,000, we have 146,144 public housing units or another 12 percent of the national total.

In cities with populations of 250,000 to 500,000, there are 171,115 public housing units, or another 14 percent.

Without even having approached cities of the size of New York, Los Angeles, or Chicago, we can see a total of 73 percent of public housing in cities of less than one-half million.

The next category is cities with a population of 500,000–1,100,000 and there we find 161,225 public housing units or 13 percent of the total. So in cities of less than 1 million—not New York, Chicago, or Los Angeles—we have a total of 85 percent of all public housing units.

In the category of 1 million or more, we have 186,979 public housing units, or 15 percent.

The conferees on the House side who were voting on this issue, who felt it was a big city deal, were absolutely incorrect in their calculations. They have hurt the big cities, but they have hurt rural America even more.

They have done more to set back the cause of a society integrated on a logical and sensible basis by this step than by any other they could take. They have reversed much of the struggle of the last 10 to 15 years during which time the legislative, executive, and judicial branches have been trying to find out how we can make a better, more homogenous, and integrated America.

I thank the Senator for yielding. I have a few comments to make on other phases of the bill, but I yield at this time.

Mr. CASE. I thank my colleague, the Senator from Illinois.

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

Mr. CASE. I am happy to yield.

Mr. MATHIAS. Mr. President, I appreciate the Senator from New Jersey yielding. I will be brief but I am concerned, as he is, by this omission of a very important category of impacted area funds.

The impacted area aid has been vital to the very survival to the educational system of Maryland. We have in some respects benefited from our proximity to the Nation's Capital, but also it has its burdens. Some equity has been provided through the impacted aid system, some breathing space and breathing time, and it has been very important to us.

Here we find that in the low income areas, the housing of those in federally authorized and operated low rent housing is by definition, or virtually by definition, omitted from the entire impacted area program. This is going to have the worst effect where it will hurt the worst.

In the city of Baltimore today where we are suffering all the pangs that other big cities are suffering we are going to bear the major brunt of the impact that this cut will cause. I shall not talk long about it but I would like to point out the escalating effect of the problem.

The city of Baltimore today is down to the point where about 10 percent of the population is carrying the whole tax load to start with. In other words, 10 percent of the people are providing all the tax moneys that are needed to operate the city for the entire 100 percent. We cannot go on like that in Baltimore or in any other city that is in virtually the same situation.

The impacted area funds for those living in Government housing projects and low-income housing was one way to get over this terribly difficult time. Now, we have closed the door and cut off the aid, and every dollar that is withdrawn from the educational system in Baltimore will have a major adverse impact on the educational system of the city and the quality of education. That is a matter of importance to every American, no matter where he may live. This is a great tragedy and one that I hope can be rectified, but in the meantime we are going to have to pay dearly for the next 12 months.

Mr. CASE. I thank the Senator.

Mr. President, we are dealing with a question of equity.

The conference bill contains no funds—absolutely nothing—to help local districts cover the costs of educating children living in public housing. Yet there is an identifiable economic need for this assistance since those living in public housing are at or near the poverty level.

At the same time, this bill contains $592.6 million for operating funds for

districts that provide an education for children whose families live on Federal property or work at Federal installations—the so-called impacted areas aid program.

Every administration since I have been a Senator—both Republican and Democratic—has criticized the inequities in the impacted areas program and has suggested either total abolition or drastic revision of the program.

Montgomery County, Md., a very affluent county, often is cited as an example of the inequities in the impacted aid program. Despite its affluence, Montgomery County is a major beneficiary of impacted areas aid because it houses so many Government employees who work in neighboring Washington, D.C.

Nonetheless, we in the Congress have continued the program to avoid working an extreme hardship on many deserving school districts which are burdened by the obligation to educate large numbers of children whose parents are employed at government installations that are exempt from local taxes.

But last year the Congress, at the Senate's initiative, went further and took a significant step to incorporate greater equity into impacted aid. It authorized the same payments in lieu of taxes to school districts impacted by public housing as had been authorized previously for districts impacted by other government installations. And this year, at my urging, the Senate approved an appropriation of $60 million for this purpose.

Over 3,000 communities in all 50 States have public housing. Reports on the 1970 census indicate that suburban public housing will continue to expand during this decade. This is a problem which will touch more and more as the years go by.

In my view, this new category of impacted aid, called category C, is one of the most meritorious and one related most directly to identifiable public economic need.

The legislation establishing the new category C specifically provided that payments for the education of children living in public housing would not be made at the expense of funds for payments of impacted aid to districts with Government installations.

And this provision of the legislation was adhered to by the Senate Appropriations Committee and by the full Senate when separate funding was provided for category C and other forms of impacted aid in the Education Appropriations bill we passed.

Although we provided for up to 90 and even 100 percent of entitlement for some districts impacted by government installations, we provided for only 20 percent of entitlement for category C children. And even that represented a reduction from the 25 percent of entitlement or $75 million, I originally proposed to the Appropriations Committee.

I am confident that it will only be a matter of time before funds are provided for this program. I am sure this issue will be back before us very quickly. But in the meantime school districts struggling to educate children living in public housing are deprived of resources they urgently need. That is why I am compelled to vote against the conference report.

Mr. President, the benefits that would have come from the category C program would be spread country-wide. As for my own State, I should like the RECORD to show that more than 60 New Jersey communities have public housing and would benefit from the category C program. Under the bill approved by the Senate, New Jersey school districts would have received a total of almost $3.9 million. Newark alone would have received $1,156,793 and Jersey City would have received $332,399.

Mr. PERCY. Mr. President, I wish to conclude my comments on public housing and then go into those areas of the bill in which I fully concur and with respect to which I wish to commend my colleagues for their leadership and study. Just because we have one disappointment is not to say there are not many fine areas in this bill.

However, in the area of public housing, this matter is so important in the city of Chicago, the city of East St. Louis, and to the State of Illinois that the superintendent of public instruction, a Democrat, came down to meet with the entire Illinois delegation to talk about the school crisis we face and to talk about the fact that there are not sufficient funds to keep our schools going during the school year, and the fact that East St. Louis, a difficult area, indeed, and one we are working on very hard to preserve, may have to close its schools.

The mayor of East St. Louis, who was recently elected—and sometimes one wonders why men run for the office of mayor of a city like East St. Louis because of the problems they face; surely a man of great determination—came down and pled and begged for assistance in connection with his schools. The arguments are simply these:

Impacted aid has been provided for many years and it can be justified. If impacted aid is justified for category A and category B it is justified for category C programs, in their opinion.

The school board of Chicago came down to see me to emphasize that point. Category A is for students whose parents live and work on Federal installations. Category B assistance is for students who either live on Federal property or whose parents work on Federal property. Public housing is in that same kind of category. It has been erected to take care of and provide adequate housing for low-income people.

These are students who normally do not reside, and possibly would not, in some of these areas, residents of public housing, who pay little in taxes and very often are a tax drag on the community in that they contribute to welfare and public health expenses as well as problems of crime and delinquency.

It is for this reason that in this area of most critical need we should try to find ways to give these young people a chance for a decent education, to have them proceed while they are in their local schools. To say we cannot provide financial aid for them when we see fit to house them, and then not give them the same consideration for education, seems foolish to me.

I am grateful to the Senator from Washington (Mr MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) for the support they gave, for writing this provision into the Senate bill, for recognizing this need.

Last year this Congress amended Public Law 874 and authorized $300 million to school districts who qualify for payments on the basis of students residing in public housing—and yet not a penny has been put up. I would have hoped that we would have provided more than the $60 million; but, being realistic about it, putting up $60 million this year indicates that our colleagues in the subcommittee took a giant step forward, which it is necessary to recognize this great need.

I was deeply disappointed that the House did not see fit to recede on this point at least in part. For that reason, we have to simply wait for another year. For that reason, I cannot support the bill.

I do wish to commend the subcommittee and the conference for working out additional funds for bilingual education, which is increasingly important in many of our States.

I wish to commend them for aid to school districts for educationally deprived children, for supplementary services, and for library resources. I think this is going to be very well received. Already my office has received innumerable commendations on the action that the subcommittee and the full Appropriations Committee took.

Also in our report we gave cognizance to the fact that we must do something about providing help for middle income, and particularly lower middle income, Americans in higher education for their children. It is just a backbreaking load on families struggling on $8,000, $9,000, and $10,000 a year. Fifteen years ago having that income would have seemed to them to be in seventh heaven, but today they cannot even meet their basic expenses, let alone support 1 or 2 children in college. So the least we could do is take a look at this problem to ascertain what we might do to provide assistance.

That help could possibly come in several forms. I am not in favor of handouts, but these people will make a higher income and return more in taxes as a result of higher education. There may be some way to defer taxes. There may be some way to provide loans that can be repaid by the students or parents. There may be ways to increase the eligibility of families, even in the $10,000 to $12,000 class, to receive loans. I defy anyone to send any child to more than a community college in his own community at that income level, and it is even more difficult if that family has several children who need an education.

We took a step forward also in providing some funds for college construction. This is a very important need in many States, and in my own State, where we have some 57 community colleges now with very little construction funds for them. Assistance and help in this area is going to mean a great deal.

Lastly, I would like simply to say that funding for drug abuse education and

for environmental education once again demonstrated to me that we have in this subcommittee—and I have personally had the opportunity to witness this—men who have creativity and imagination. Sometimes this legislative body looks as if it is rigid as cement in resisting change. I am happy to see we have had a change on the floor recently with wonderful girl pages. I am glad to see that my colleagues are ahead of me when it comes to providing funds for education in drug abuse. We are proceeding with imaginative and bold steps.

By my criticism in one area, it in no sense should be taken as indicating that I criticize the overall effort which has been made and which is based on the solid foundation of experience of finding a way to continue the educational system of America, the finest in the world.

Mr. MAGNUSON. Mr. President, I thank the Senator for his kind remarks. We think we have a good bill, within our capabilities. There are many things we would like to have had in the bill——

Mr. PERCY. Mr. President, will the Senator yield to me for one further comment?

Mr. MAGNUSON. I yield.

Mr. PERCY. I do want to thank our staff. I had some skepticism when it was pointed out that there were no minority members of the staff, but I want to say that on the Appropriations Subcommittee they are bipartisan. I really cannot tell where the appointment came from, but I have never been turned down for assistance and help. In one subcommittee I am having 3-hour shifts to educate myself in matters concerning the Department of the Interior. The committee staff member said he will stay as long as I want to stay, and we are having quite lengthy sessions these days. He is willing to stay there to give me the background I need to help me carry out my responsibilities. So we have a fine staff on the Appropriations Committee.

Mr. MAGNUSON. I join the Senator in his comments about the staff. I do not know what we would do without them on so complicated a bill, particularly the whole Labor-HEW bill. As a matter of fact, we do not have enough staff for that bill.

We have two or three people, who work hard and long hours and who go into this subject, but we notice in the hearings that there are 15 people from the Department with briefcases ready to stand up and give answers. Yet we have only two or three staff members. So it is pretty hard to answer them sometimes. The Department has all the answers in those briefcases. It is difficult because HEW is a big, complicated Department.

The Senator from New Hampshire and I have almost come to the conclusion—I do not know whether we are going to finally conclude this—that the day is coming when we had better have a separate Department of Education. There is just too much in the HEW Department. The Office of Education should have Cabinet rank.

As I started to say, there are several things we would like to have had included in the bill. In the field of drug abuse, I would say to the Senator from Illinois, we could go only so high, because some legislation is pending, and we expect to have a supplemental bill on that item. In the field of student assistance loans and grants, we had serious House opposition. The educational opportunity grant program would help the people that the Senator is talking about. We did fairly well with that, after much haggling in the conference.

As to aid for higher educational institutions, particularly small colleges and some black colleges in the South that are struggling, we succeeded in getting the House to add a substantial amount for that item.

I see the Senator from Montana (Mr. MANSFIELD) and the Senator from Louisiana (Mr. ELLENDER) looking at me. We had an awful fight on the aid to land-grant colleges. There again, I would say to the Senator from Illinois, and the Senator from New Jersey, and the Senator from New York, when it is said that the Appropriations Committee is thwarting legislative intent, the Senator from New Hampshire and I said, "If you do not want any money for aid to land-grant colleges, why do you not be honest about it and ask Congress to repeal the Bankhead-Jones Act?"—which they will not do and could not do. So we got a little more for that item.

We are never satisfied with an education appropriation bill, but this is a good bill.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I want to say that, along with my distinguished Chairman, we are thoroughly aware, and were thoroughly aware, of the absolute justice of the statements that have been made on the floor by the distinguished Senators from New Jersey, New York, Illinois, and Maryland.

I have had the same sensations year after year, in dealing with our friends from the other body, that the Senator from Illinois has expressed; the only difference is that it burst on him suddenly in all its grandeur. I think the main objection of the House conferees, that they uttered in their usual very positive manner, is the same objection that is frequently made, that when we start a program with an appropriation of $60 million, it actually just opens the door. If we are going to be just at all with all the cities, large and small, this item will expand until it goes on into several hundred million.

There is some justice to that. The answer, of course, was given by the Senator from New Jersey. The Appropriations Committee of necessity must hold down appropriations in all fields where authorization has been made—because if we appropriated all that was authorized, we would be appropriating untold billions of dollars, and would double or triple our budget. Nevertheless, it has long been my position, that the Appropriation Committee, does not have the right to say, "We will appropriate under the authorization for this particular cause or this particular project, and we will refuse to appropriate anything for another program which has been authorized by Congress, and we are not bound to take it into consideration."

That was the reason that I was willing, and went along, to the best of my ability, in trying to hold the $60 million appropriation which has been questioned today.

It is an unfortunate thing, Mr. President, that we must have this constant push between the legislative and the appropriating committees of Congress. The legislative committees report and the Congress passes with reckless abandon these vast authorizations. Then the appropriations committees, in order to try to give heed to and comply with the wishes of Congress, gives a pinch here and a pinch there, just like Aunt Jemima making a cake. When we get all through, we have spread very thin appropriations in a multitude of areas.

I do not know how that can be changed, but it makes the task of the appropriations committees very difficult. I regret that we did not hold this appropriation, and I sympathize entirely with the feelings of the Senators. I join my chairman in saying this is the best we could do. I hope it will be satisfactory to the Senate and to the executive branch.

Mr. BENTSEN. Mr. President, I am in support of the conference report on H.R. 7016, the appropriations bill for the Office of Education and related agencies.

Mr. President, the budget requests submitted by the administration for education programs earlier this year were clearly inadequate, and I was pleased to see the House and then the Senate raise these requests to more reasonable levels. The House failed by only four votes to add an additional $728 million for education, but it did manage to increase support for these programs by over $100 million.

The Senate Appropriations Committee, wisely I believe, added some $804 million to the House passed bill, and the conference committee settled on an amount $346,223,000 above the House bill and $393,125,000 above the original Nixon budget request.

The amount agreed upon by Senate-House conferees represents a substantial victory for American education and a substantial rebuke to an administration which has failed to accord education its proper place on the ladder of our national priorities.

Mr. President, cutbacks or leveling off of education appropriations do not represent a legitimate method of fighting inflation; they are false economies, directed at a segment of our society least able to afford them.

The original budget requests submitted by the administration for education completely omitted funds for school equipment under title III of the National Defense Education Act, for vocational work-study programs, for students with special vocational education needs, for the NDEA student loan program, for grants to construct undergraduate academic facilities.

In addition to the elimination of these critical programs, the administration requested only a standpat budget for a number of other programs, despite the fact that education, like other fields, is subject to inflationary pressures. In fact, Mr. President, a study prepared by the

National Education Association indicated that educational costs in fiscal 1971 rose by 9 percent while the population served rose by less than 1 percent.

Under these circumstances, it is apparent that educational support at the same level as a previous year's appropriation actually represents a decline in dollars spent for our students, schools, and colleges.

Added to that is the widening gap between education authorizations and appriations. In 1968, Congress appropriated 60.48 percent of the money it had authorized for education; in 1969, the ratio was 46.29 percent; in 1970, 37.27 percent; and in 1971, 36.65 percent. These figures reveal a tendency for the Congress to underfund our projected needs in education at an accelerating rate, a tendency that must be reversed if we are to aid our overburdened schools and to improve the quality of American education.

There are two or three measures in the education appropriations bill that I would like to single out for particular attention.

The first of these is the Drug Abuse Education Act. Last year, Mr. President, this bill passed the Senate and the House unanimously, despite the opposition of the administration which claimed that there were enough resources already available to utilize for drug education programs. Under sharp questioning in the House, however, administration sources revealed that only $900,000 was being channeled into these efforts, in spite of a drug problem that had reached the level of a national emergency.

Drug education is a necessary complement to more effective law enforcement, research, rehabilitation, and international control in the area of narcotics abuse. The more we know about the effect of dangerous drugs, the more likely we are to prevent their use. Yet the administration requested only $6 million for this program in fiscal 1972; the current bill provides a more adequate $13,024,000.

Another program which received considerable attention last year was the Environmental Education Act, which passed both Houses of Congress, again over administration opposition. The thrust of this legislation was to supplement our increasing efforts to counteract pollution by launching a major educational effort directed at developing a better understanding of an attitude toward our environment so that future generations will not be faced with the problems we are only now beginning to confront.

The bill received a seed money authorization of $2 million in fiscal 1971 to establish planning and to set up a series of pilot projects in schools, colleges, and among community groups to increase environmental awareness among schoolchildren and adults alike.

The administration requested only a token increase over the $2 million appropriated last year which would have stagnated this program, but the current bill raises that level to a more respectable $3,514,000, and allows for some expansion in an educational effort which could have a profound impact on our citizens of all ages.

A third program worth noting, Mr. President, is the Bilingual Education Act, which has been chronically underfunded since its inception in 1968. This imaginative measure, conceived during the Johnson administration, opened the door to expanded Federal aid to school districts to meet the special needs of children who have a limited knowledge of the English language.

Yet the promise of the Bilingual Education Act has never been fulfilled, for the program has generally been funded at less than one-half of its authorized levels. This year the administration requested only $25 million for the program, exactly one-quarter of the authorization.

We cannot do an adequate job of working with children and adults who have language difficulties when we talk about that kind of money. There are an estimated 3 million children in this country currently in need of bilingual education, and we are currently spending less than $10 per child.

The present bill raises the appropriation for this program to $35,000,000, a major step forward.

Mr. President, these are but a few of the programs benefiting from increased congressional concern about adequate funding for education. As I promised during my campaign for the Senate, education will be a top priority item with me. I hope that the President will reverse recent policy and make it a top priority of his administration.

I want to commend Senator MAGNUSON, the chairman of the Senate Appropriations Subcommittee which handled this legislation, for his long-time support of education and for his efforts in bringing this measure to the floor in its present form.

Mr. SCOTT. Mr. President, while I am delighted to see the Congress about to send its first appropriations bill to the President before the new fiscal year begins, I am, nevertheless, dismayed to see that bill deny a $60 million increase in payments to school districts for children who reside in public housing. As my colleagues are well aware, the purpose of this additional money would have been to compensate for the loss of local tax revenues resulting from public housing projects.

The Education Appropriations Conference Committee has deleted the Senate's amendment appropriating this $60 million increase. Our Appropriations Committee spent a great deal of time considering the amendment, but they did support it, if only at a somewhat reduced figure. An effort to delete the money on the Senate floor was defeated after a second round of debate. The Senate then approved unanimously the entire education money bill.

The action of the Conference Committee has dealt a severe blow to large school districts across the Nation. Pennsylvania alone would have received nearly $4 million, while Philadelphia would have been allocated nearly $1 million. My Commonwealth will now be particularly hard hit for several reasons. First, the Pennsylvania Supreme Court has declared Governor Shapp's income tax unconstitutional—thus bringing on an obviously large revenue loss. Second, the U.S. Supreme Court has just declared Pennsylvania's parochial school aid law unconstitutional—thus releasing a new crush of students on the already overburdened public school districts. Philadelphia's school system, in chaos for years, has just terminated its interscholastic athletic program. Mr. President, need I say more?

The amendment appropriating this extra money was authored by my good friend and geographical neighbor Senator CLIFFORD CASE. A leader in the fight for better education in New Jersey and the Nation for many years, Senator CASE has focused on a very serious problem. The Senate, wisely, accepted his proposal. I respect, and sympathize in, his refusal to sign the conference report and his refusal to support the education bill in its present form. Clearly, if Congress does not heed the calls of Senators like CLIFFORD CASE, urban school districts will be conducting classes much as we conduct hearings, from 10 to noon every once in a while.

I shall support this conference report with serious reservations. I am hopeful, however, that we can soon come to grips with this whole thorny issue of impacted area aid. If we do not, any investment we make in our children's education will be tragically truncated.

Mr. HUMPHREY. Mr. President, a word of sincere commendation is due the managers on the part of the Senate and the House on the conference report on H.R. 7016, making appropriations for the Office of Education and related agencies for fiscal 1972. Their swift action on this legislation of major importance to our schools and colleges across the Nation provides educators, for the first time in years, with the opportunity to undertake budget planning with the firm knowledge of the exact amount of Federal assistance that can be made available.

Senator ALLEN J. ELLENDER, chairman of the Senate Committee on Appropriations, and the 11 other Senate conferees on this bill deserve our thanks for a job well done. In addition to expediting its final enactment by Congress, they have worked hard to raise Federal assistance to education to meet the serious needs across America. Providing some $540 million more than was originally requested by the administration, for a total appropriation of $5,024,067,000, they have demonstrated a clear recognition of the critical problems confronting local school districts, of the great need to assure disadvantaged children and youth the access to full educational opportunities, of the serious financial problems confronting institutions of higher education, particularly our black colleges, and of the demand for a major expansion of postsecondary education opportunities in America.

We must continue to press for an expanded Federal investment in education—a national resource of the highest importance to the future of our country. This commitment was reflected in the higher level of appropriations previously passed by the Senate, including important new categories of Federal assistance.

It is clear that this commitment was

given strong advocacy by the Senate conferees on the education appropriations bill—an advocacy buttressed by the expertise brought to the conference by Senator WARREN G. MAGNUSON, chairman of the Senate Appropriations Subcommittee on Labor and Health, Education, and Welfare, and Related Agencies.

I am, however, displeased with the decision of the conference committee to delete $60 million from the item for aid for impacted areas—$60 million needed for those schools serving public housing areas—$60 million that could be of help to suburbs which are being asked to accept low-income housing projects—$60 million desperately needed for the inner city schools.

However, I urge Senate approval of this conference report, and the immediate continuation of legislative action to strengthen the education foundations of our Nation offering lives of hope and promise to all our children and youth.

Mr. WILLIAMS. Mr. President, it is with some regret that I rise today to comment on the 1972 education appropriations conference report. When that same bill was passed on this floor just 20 days ago, I rose to commend the Appropriations Committee, and especially the Education Subcommittee on the sensitive and responsible work that they had done in preparing for the Senate the 1972 education appropriations bill. Although I realize the obstacles which the Conferees encountered, as chairman of the authorizing committee for this legislation, I am deeply disappointed and worried about what the individual appropriations for programs will mean for all levels of education in this country.

In particular, I would like to call to the attention of the Senate the omission of any moneys for education assistance for children in public housing—category C of aid to federally affected areas. This category which was authorized by the Congress last year under Public Law 91–230 provides compensation for school districts for undertaking the additional burden of educating public schoolchildren who reside in low-rent public housing units. Since about one-half of public education costs is funded by local property taxes, and the land on which public housing units are built becomes tax-exempt, the construction of public housing units in a local school district means that that school system must raise an average of $450 per student from other sources in order to pay the costs of educating these children.

This action will cost the State of New Jersey, whose property taxes are among the highest in the Nation, almost $4 million. And in our older cities, like Newark, the absence of this money will only serve to maintain a highly precarious fiscal condition.

The Senate-passed education appropriations bill would have provided $60 million to help compensate these local school districts. The conference report, however, eliminates all moneys for this program.

I am very concerned that the Congress does not appear to feel that it has any responsibility to help out our local school districts who are helping to provide elementary and secondary education for our children. This program is not simply a large city program. There are currently over 3,000 communities in all of the 50 States that have public housing and the 1970 census indicates that suburban public housing will continue to expand during this decade.

I believe that the Senate should take account of this fact in its future reflection on this program. As chairman of the Labor and Public Welfare Committee that authorized this program, I am today going on record to express my disappointment at the omission of these funds, and to indicate my strong support for this program, and the compensation that it provides.

Mr. STEVENSON. Mr. President, I intend to vote against the conference report on education appropriations because the report falls short of meeting our real education needs in two important respects. First, it eliminates the $60 million the Senate had originally voted for payments to school districts based on the number of students residing in public housing. Similar payments are made based on the number of students whose parents live on Federal installations. The rationale—and it is a good one—is that Federal property is exempt from local property taxes which are the primary source of public school revenues. Public housing is similarly tax exempt and should, therefore, be treated similarly. Chicago alone would have received $4.5 million of the $60 million the Senate appropriated, but which has now been eliminated. Other municipalities with public housing in Illinois and throughout the Nation also would have benefited from these well-deserved funds.

Second, the conference report limits aid for bilingual education programs to $35 million—$15 million less than the Senate had voted. As chairman of the Migratory Labor Subcommittee of the Labor and Public Welfare Committee, I am concerned with the well-being of millions of migrant workers and their children—many of whom do not speak English as native language. Expanded and improved bilingual education programs are vitally needed for many of these families as well as for the growing Spanish-speaking population in many of our large cities, including Chicago.

For these reasons I will vote against the report so the measure can be reconsidered in conference. My vote in no way implies disapproval of the many excellent programs which the bill does fund and which I strongly support.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Nebraska (Mr. CURTIS), the Senator from Vermont (Mr. PROUTY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

Also, the Senator from Hawaii (Mr. FONG), the Senator from Kansas (Mr. PEARSON) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 74, nays 5, as follows:

[No. 135 Leg.]

YEAS—74

| | | |
|---|---|---|
| Aiken | Fulbright | Montoya |
| Allen | Gambrell | Moss |
| Allott | Goldwater | Muskie |
| Baker | Griffin | Nelson |
| Bayh | Gurney | Pell |
| Beall | Hansen | Proxmire |
| Bennett | Hart | Randolph |
| Bentsen | Hartke | Ribicoff |
| Bible | Hatfield | Roth |
| Boggs | Hollings | Schweiker |
| Brock | Hruska | Scott |
| Burdick | Hughes | Sparkman |
| Byrd, Va. | Humphrey | Spong |
| Byrd, W. Va. | Jackson | Stennis |
| Cannon | Jordan, N.C. | Stevens |
| Chiles | Jordan, Idaho | Symington |
| Church | Kennedy | Taft |
| Cook | Long | Talmadge |
| Cooper | Magnuson | Thurmond |
| Cotton | Mansfield | Tower |
| Cranston | McClellan | Tunney |
| Dole | McGee | Weicker |
| Dominick | McIntyre | Williams |
| Ellender | Miller | Young |
| Fannin | Mondale | |

NAYS—5

| | | |
|---|---|---|
| Case | Mathias | Stevenson |
| Javits | Percy | |

NOT VOTING—21

| | | |
|---|---|---|
| Anderson | Ervin | Mundt |
| Bellmon | Fong | Packwood |
| Brooke | Gravel | Pastore |
| Buckley | Harris | Pearson |
| Curtis | Inouye | Prouty |
| Eagleton | Metcalf | Saxbe |
| Eastland | McGovern | Smith |

So the conference report was agreed to.

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## STATEMENT BY SENATOR EAGLETON REGARDING HIS VOTE ON THE CONFERENCE REPORT ON H.R. 7016

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that a statement by the distinguished Sena-

tor from Missouri (Mr. EAGLETON) in connection with the vote on the conference report on education, H.R. 7016, be printed in the RECORD.

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

STATEMENT BY SENATOR EAGLETON

Mr. President, I have asked that the announcement be made that, were I not absent on official business, I would vote against the adoption of the conference report. I believe the Senate is well aware of my concern for the educational needs of the country and my strong support for appropriations for Federal programs to meet these needs. In normal circumstances, I would enthusiastically vote in favor of this generally excellent conference report.

However, the deletion by the conferees of the $60 million amount voted by the Senate for the public housing category of impact aid requires, in my judgment, that the voices of those of us who support these education programs be raised in protest.

Accordingly, Mr. President, I would vote no on the adoption of the conference report on the sole ground that no funds are included for public housing-type impact aid. Were it not for this action by the conferees, the report would have my support.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Legislative Branch for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1 through 30, inclusive, to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 32, 36, 37, and 38 to the bill, and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 33 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted on its disagreement to the amendment of the Senate numbered 35 to the bill.

## THE DEATH OF THREE RUSSIAN COSMONAUTS

Mr. SCOTT. Mr. President, I note with deep sorrow, on behalf of the Senate, and I am sure of the distinguished majority leader and all its members, the death of three gallant and valiant men who have participated in the eternal quest for knowledge, the conquest of outer space, the three Russian cosmonauts who were lost so sadly almost at the moment of their safe return. This is a loss not only to the people of the Soviet Union but also to all human kind as the cosmonauts dared mightily, ventured bravely, and sought the truths of the great unknown.

I sadly take note of this tragic occurrence and wish, with the consent of the distinguished majority leader on his side, on behalf of the entire Senate, to extend our condolences—as I understand it, the other body has already done so—to the Government of the Soviet Union and to the families of the lost cosmonauts.

Mr. MANSFIELD. Mr. President, if the distinguished minority leader will yield, I wish to join in the sentiments and the remarks just expressed by the distinguished Senator from Pennsylvania and to say, on behalf of the joint leadership, representing the full membership of this body, that we do extend our sympathy to the Russian people and to the families of the bereaved because these three men who died were gallant men indeed, men of high courage and men who suffered in the cause of science.

Let me express the hope that sometime in the near future, instead of carrying on separate expeditions, it might be possible for the Soviet Union and the United States, and other like-minded nations, to work together cooperatively to the end—as one of our own astronauts has already said—that giant steps can be taken on behalf of all mankind.

I note that the distinguished Senator in his remarks speaks for every Member of this body in his expression of regret, sympathy and condolence.

Mr. SCOTT. I thank the distinguished majority leader and wish to note that some 2 or 3 years ago, I publicly made the same suggestion: that the United States and the Soviet Union and other countries interested in space exploration would do well to join in a common venture into space, so that we could all share in the commonality of the feeling of adventure and of discovery which such a daring exploration might achieve for the betterment of public understanding and for the advancement of better relations among humankind.

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

Mr. SCOTT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I have prepared a speech to be made later in the day along these lines. I think it is great that the Senator from Pennsylvania, with his deep foresight, has joined with the majority leader and with the whole Senate in this expression.

Whatever fault we might find with the people of the Soviet Union, their bravery and the great progress they have made are always unquestionable.

I pray for the day when space exploration may be jointly made on an international scope. I pay tribute to these heroes of exploration of a new world.

## LEGISLATIVE APPROPRIATIONS BILL, 1972—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. TAFT). Is there objection to the present consideration of the report?

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

(The conference report is printed in House proceedings of June 29, 1971, pp. 22568–22569, CONGRESSIONAL RECORD.)

Mr. HOLLINGS. Mr. President, I have only a brief statement to make on the conference report on the legislative appropriations bill. Unless some Senator particularly desires the yeas and nays, they will not be requested.

The bill as it passed the Senate recommended appropriations in the amount of $532,297,749. This figure was $82,398,144 over the House-passed bill. Of this sum, $79,639,144 related to strictly Senate items, including the Senate Office Buildings, Senate garage, and extension of the Senate Office Building site, which the House conferees have accepted in full except for $1,209,000 for restoration of the Old Senate and Old Supreme Court Chambers which I will discuss later.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? This is an important conference report.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, the Senator should be heard. The galleries ought to be in order. The Senate ought to be in order.

The PRESIDING OFFICER. The galleries will please be in order. The Senate will please be in order.

The Senator will please proceed.

Mr. HOLLINGS. Mr. President, part of the balance of the increase over the House bill represented $68,000 for Library buildings and grounds; $60,000 of this amount was programed to replace certain west terrace paved areas on the west side of the Main Library Building, and $8,000 was intended for the development of an additional parking area on the Library grounds. The conferees agreed to recommend an appropriation of $28,000. This will provide $20,000 for replacement of defective surfaces now constituting a pedestrian hazard with stone matching the existing surface, and $8,000 for the parking area.

For the Library of Congress, the committee had increased the House bill by the sum of $1,711,000. This increase provided an additional 85 employees for the Congressional Research Service, and 13 additional employees under the main appropriation, Salaries and Expenses, to support the anticipated impact of the expansion of the Congressional Research Service.

The House Committee on Appropriations had originally recommended 37 additional positions for the Congressional Research Service. This figure was increased to 52 positions on the floor of the House, and the Senate, in its recommendations, approved a total of 137, an increase of 85. In conference, it was agreed that the CRS would be granted 75 new positions, and the other appropriations affected by the impact of these CRS positions, namely, the additional employees in the Office of the Librarian, the purchase of books, and furniture and furnishings, have been adjusted accordingly.

For the General Accounting Office, the House allowed an appropriation of $86,-

618,000 and 93 new positions. The Senate approved an appropriation of $87,598,000 and an additional 84 positions, for a total of 177 new employees. In conference, the Senate increase of 84 positions was reduced to 42, for a total of 135, with the final sum for the General Accounting Office amounting to $87,108,000.

The Senate will recall that an appropriation of $1,209,000 was provided in this bill as it passed the Senate for the restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. This Senate amendment was the most controversial amendment in the bill. The Chairman of the House Appropriations Subcommittee and the Chairman of the full committee insisted that this sum not be included at this time. The amendment—No. 35—was placed in disagreement in the conference report and the House has now voted to insist upon its disagreement.

In summary, excluding the $1,209,000 for the restoration of the two Chambers just referred to, and which is reported in disagreement, the conference bill totals $529,309,749, which is $6,039,858 under the budget estimates for fiscal year 1972, $79,410,144 over the House version of the bill, and $2,988,000 under the Senate version of the bill.

I have given a résumé of the important items which were decided in conference, and I would be pleased to answer any questions any Member may have with respect to this bill.

I officially thank the distinguished senior Senator from New Hampshire (Mr. COTTON) who sat with us and guided us so successfully through this conference. I think it was a very successful conference. I am very much indebted to him for his counseling during the conference and for bringing about this particular result.

Mr. President, I also thank the able members of the staff for their assistance.

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

Mr. HOLLINGS. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I wish to commend the distinguished Senator from South Carolina, the chairman of the subcommittee, for his very able leadership in this appropriation bill. I join him in commending the staff for the assistance we have received from them. This legislative bill is not like the other appropriation bills. It involves the housekeeping and the efficiency of Congress. It often involves, as it did this year, rather delicate subjects that were necessary to handle without irritating or increasing friction between the two bodies that might endanger the effectiveness of our whole legislative work on the Hill. At the same time, it occasionally necessitates concessions on the part of one or the other of the bodies.

The distinguished chairman has very aptly summarized the conference report and I merely want to address myself for a moment to the disagreement on the matter of restoring the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. It involves slightly over $1 million. If it had been done 7 years ago, when it was originally attempted, it would have cost less than half of that amount. Although no one expresses any lack of confidence in the administration's endeavor to stem inflation, the possibility remains that if we wait a while longer, it might cost twice what it would cost at the present time.

The bicentennial celebration of this Nation is coming up shortly. I am one of the Senators appointed to sit on the American Revolution Bicentennial Commission. Frankly, I have been rather appalled at times at some of the grandiose plans that the Commission has had before it. The President has sent their recommendations to the Congress.

Some of these proposals involve large expenditures to not one or two cities, but many cities throughout the land, commemorating various anniversaries. At least one city envisioned using the bicentennial funds for all kinds of slum clearance.

Yet here in the Capitol of the United States we have these historic rooms, one of which, the original Senate Chamber, is on this floor. Thousands upon thousands of schoolchildren and visitors pass by and never have a chance to see the room where so much of the Nation's history was enacted. It is in a deplorable condition. It is unpainted and obviously falling into decay. The idea that we should hesitate to restore that room, with the bicentennial soon to be upon us, seems to this Senator to be extremely pennywise and pound foolish.

On the floor below, the original Supreme Court Chamber is used for a storeroom. The restoration of both of them could cost approximately $1 million—a small amount compared to the bicentennial programs to which I have referred. Our friends on the other side would not even consider restoring one of the rooms.

One of the suggestions made was that if the old Senate Chamber was restored, it would not be useful any longer as a conference room by the two bodies. It seems obvious to this Senator, and he has made inquiries and been informed by many of the staff of the Senate, on the history of this building, that that old Chamber is in the Senate wing of the Capitol. If we are going to be refused the opportunity of putting it in decent shape for the many, many Americans who would like to look at it, I think it is well within the authority of this body to close it for the use of conferences. I am not suggesting that be done, and by all means we did our best throughout the conference to preserve the relations between the House and the Senate.

I cannot resist expressing my very keen disappointment that we could not proceed with this. It seems to me that restoration of these rooms would be one of the necessary things to do when the time comes to appropriate, perhaps, many millions of dollars for the bicentennial celebrations throughout the country. With the fiscal situation we are in, it will be the duty of the appropriating committees of Congress to look very carefully at those proposals. We may have to restrain somewhat the enthusiasm of those who, with great sincerity and devotion, are planning many of these rather ambitious projects.

But I think the matter of restoring the original Senate Chamber and the old Supreme Court room to their original form will come about. I just hope we can prevail the next time, and that our friends in the other body will view it with more lenience, particularly in view of the fact that it is a part of the Senate wing of the Capitol. We have tried to respect the control by the House of all of its workings.

This may sound comparatively insignificant but to this Senator this matter is extremely important. I feel that the Senate has a duty to see to it that these rooms are restored and preserved as part of the great heritage of this building in particular, and of the Nation in general.

I thank the Senator.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague. I join in his keen disappointment with respect to the old Senate and old Supreme Court chambers, as I know the Senate does. The Senator worked as hard as he could and made headway. I think with further conferences during the year and personal contact we can have these rooms restored, hopefully in time for the bicentennial.

Mr. President, unless there are other questions, I move that the conference report be agreed to.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment in disagreement.

The legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment,

"Capitol Guide Service

"For salaries and expenses of the Capitol Guide service, $328,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-four individuals, who shall be employed and compensated in accord with the applicable provisions of the Legislative Reorganization Act of 1970."

Mr. HOLLINGS. Mr. President, I move that the Senate concur in the amendment of the House to amendment No. 33 of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the second amendment in disagreement.

The legislative clerk read as follows:

*Resolved*, That the House further insist on its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill.

Mr. HOLLINGS. Mr. President, I move that the Senate recede from its amendment numbered 35.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the requirement

that the conference report on the legislative branch appropriation for fiscal year 1972 be printed as a Senate report be waived inasmuch as under the rules of the House it has been printed as a report of the House and the reports are identical.

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

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table showing the fiscal year 1971 appropriations, the budget estimates for fiscal year 1972, the House and Senate allowances, and the amounts agreed to in conference for each item in the bill.

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

LEGISLATIVE BRANCH APPROPRIATION BILL, 1972—H.R. 8825

SUMMARY OF BILL

| Item | New budget (obligational) authority, fiscal year 1971 (enacted to date) | Budget estimate of new (obligational) authority, fiscal year 1972 [1] | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| **SENATE** | | | | | |
| **Vice President and Senators** | | | | | |
| Compensation and mileage of the Vice President and Senators | $4,713,165 | $4,719,125 | | $4,777,495 | $4,777,495 |
| Mileage, President of the Senate and Senators | 58,370 | 58,370 | | | |
| Expense allowance, Vice President, majority, and minority leaders | 16,000 | 16,000 | | 16,000 | 16,000 |
| Total, Vice President and Senators | 4,787,535 | 4,793,495 | | 4,793,495 | 4,793,495 |
| **Salaries, Officers and Employees** | | | | | |
| Office of the Vice President | 400,439 | 414,510 | | 414,510 | 414,510 |
| Office of the President pro tempore | 45,893 | 50,514 | | 50,514 | 50,514 |
| Offices of the majority and minority leaders | 191,694 | 198,276 | | 198,276 | 198,276 |
| Offices of the majority and minority whips | 97,988 | 101,352 | | 101,352 | 101,352 |
| Office of the Chaplain | 18,752 | 18,696 | | 18,696 | 18,696 |
| Office of the Secretary | 1,975,756 | 2,043,360 | | 2,107,812 | 2,107,812 |
| Committee employees | 5,582,769 | 6,496,368 | | 7,535,472 | 7,535,472 |
| Conference, majority | 138,580 | 143,418 | | 143,418 | 143,418 |
| Conference, minority | 138,580 | 143,418 | | 143,418 | 143,418 |
| Administrative and clerical assistants to Senators | 30,309,231 | 31,349,994 | | 31,349,994 | 31,349,994 |
| Office of the Sergeant at Arms and Doorkeeper | 6,202,779 | 8,018,946 | | 8,064,948 | 8,064,948 |
| Offices of the secretaries for the majority and minority | 234,365 | 241,572 | | 241,572 | 241,572 |
| Total, salaries, officers and employees | 45,336,826 | 49,220,424 | | 50,369,982 | 50,369,982 |
| **Contingent Expenses** | | | | | |
| Senate policy committees | 568,750 | 589,210 | | 589,210 | 589,210 |
| Automobiles and maintenance | 59,200 | 61,060 | | 36,000 | 36,000 |
| Furniture | 31,190 | 31,190 | | | |
| Inquiries and investigations | 9,991,555 | 11,310,655 | | 11,310,655 | 11,310,655 |
| Folding documents | 55,430 | 57,320 | | 57,320 | 57,320 |
| Mail transportation (motor vehicles) | 16,560 | 16,560 | | | |
| Miscellaneous items | 6,443,430 | 6,417,788 | | 5,356,972 | 5,356,972 |
| Postage stamps | 120,233 | 138,425 | | 138,425 | 138,425 |
| Stationery (Revolving fund) | 378,250 | 378,400 | | 383,600 | 383,600 |
| Total, contingent expenses | 17,664,598 | 19,000,608 | | 17,872,182 | 17,872,182 |
| **Other, Senate** | | | | | |
| Legislative Counsel | 447,765 | 460,885 | | 460,885 | 460,885 |
| Payment of heirs of deceased Senator | 49,500 | | | | |
| Total, Other | 497,265 | 460,885 | | 460,885 | 460,885 |
| Total, Senate | 68,286,224 | 73,475,412 | | 73,496,544 | 73,496,544 |
| **HOUSE OF REPRESENTATIVES** | | | | | |
| Gratuities, deceased members | 340,000 | | | | |
| **Salaries, Mileage for the Members, and Expense Allowance of the Speaker** | | | | | |
| Compensation of Members | 20,165,950 | 20,262,420 | $20,262,420 | 20,262,420 | 20,262,420 |
| Mileage of Members and expense allowance of the Speaker | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 |
| Total, Members compensation and mileage | 20,365,950 | 20,462,420 | 20,462,420 | 20,462,420 | 20,462,420 |
| **Salaries, Officers, and Employees** | | | | | |
| Office of the Speaker | 175,240 | 182,350 | 182,350 | 182,350 | 182,350 |
| Office of the Parliamentarian | 171,400 | 178,020 | 178,020 | 178,020 | 178,020 |
| Compilation of precedents of House of Representatives | 15,775 | 16,345 | 16,345 | 16,345 | 16,345 |
| Office of the Chaplain | 19,770 | 19,770 | 19,770 | 19,770 | 19,770 |
| Office of the Clerk | 2,729,100 | 2,852,030 | 2,852,030 | 2,852,030 | 2,852,030 |
| Office of the Sergeant at Arms | 3,498,100 | 3,737,615 | 3,737,615 | 3,737,615 | 3,737,615 |
| Office of the Doorkeeper | 2,714,600 | 2,953,180 | 2,953,180 | 2,953,180 | 2,953,180 |
| Office of the Postmaster | 774,200 | 815,535 | 815,535 | 815,535 | 815,535 |
| Committee employees (standing roll) | 6,809,010 | 8,162,000 | 8,612,000 | 8,162,000 | 8,162,000 |
| Special and minority employees: | | | | | |
| 6 minority employees | $195,930 | $199,350 | $199,350 | $199,350 | $199,350 |
| House Democratic Steering Committee | 61,710 | 62,990 | 62,900 | 62,990 | 62,990 |
| House Republican Conference | 61,710 | 62,990 | 62,990 | 62,990 | 62,990 |
| Office of the majority floor leader | 135,885 | 144,220 | 144,220 | 144,220 | 144,220 |
| Office of the minority floor leader | 124,830 | 128,465 | 128,465 | 128,465 | 128,465 |
| Office of the majority whip | 101,795 | 104,075 | 104,075 | 104,075 | 104,075 |
| Office of the minority whip | 101,795 | 104,075 | 104,075 | 104,075 | 104,075 |
| 2 printing clerks for majority and minority caucus rooms | 22,420 | 23,180 | 23,180 | 23,180 | 23,180 |
| Technical assistant, office of the attending physician | 18,540 | 20,840 | 20,840 | 20,840 | 20,840 |
| Official reporters of debates | 391,845 | 406,555 | 406,555 | 406,555 | 406,555 |
| Official reporters to committees | 477,210 | 493,125 | 493,125 | 493,125 | 493,125 |
| Committee on Appropriations (investigations) | 1,145,000 | 1,219,000 | 1,219,000 | 1,219,000 | 1,219,000 |
| Office of the Legislative Counsel | 610,160 | 795,000 | 739,160 | 739,160 | 739,160 |
| Total, salaries, offices, and employees | 20,356,025 | 22,680,710 | 22,624,870 | 22,624,870 | 22,624,870 |
| **Members' Clerk Hire** | | | | | |
| Clerk hire | 53,900,000 | 55,320,000 | 55,320,000 | 55,320,000 | 55,320,000 |

Footnotes at end of table.

| Item | New budget (obligational) authority, fiscal year 1971 (enacted to date) | Budget estimate of new (obligational) authority, fiscal year 1972 [1] | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| **CONTINGENT EXPENSES OF THE HOUSE** | | | | | |
| Furniture | $300,000 | $589,550 | $587,000 | $587,000 | $587,000 |
| Miscellaneous items | 6,675,000 | 7,325,000 | 7,325,000 | 7,325,000 | 7,325,000 |
| Government contributions | 4,806,925 | 5,245,000 | 5,245,000 | 5,345,000 | 5,245,000 |
| Reporting hearings | 422,500 | 422,500 | 422,500 | 422,500 | 422,500 |
| Special and select committees | 8,010,000 | 10,770,000 | 10,770,000 | 10,770,000 | 10,770,000 |
| Telegraph and telephone | 3,800,000 | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 |
| Stationery (revolving fund) | 1,368,000 | 1,529,500 | 1,529,500 | 1,529,500 | 1,529,500 |
| Postage stamp allowances | 320,390 | 321,090 | 321,090 | 321,090 | 321,090 |
| Revisions of laws | 35,000 | 39,980 | 39,980 | 39,080 | 39,980 |
| Leadership automobiles: | | | | | |
| Speaker | 17,440 | 17,930 | 17,930 | 17,930 | 17,930 |
| Majority leader | 17,440 | 17,930 | 17,930 | 17,930 | 17,930 |
| Minority leader | 17,440 | 17,930 | 17,930 | 17,930 | 17,930 |
| New edition of the District of Columbia Code | 150,000 | | | | |
| New edition of the United States Code | | 160,000 | 160,000 | 160,000 | 160,000 |
| Total, contingent expenses | 25,880,135 | 30,456,410 | 30,453,860 | 30,453,860 | 30,453,860 |
| Total, House of Representatives | 120,842,110 | 128,919,540 | 128,861,150 | 128,861,150 | 128,861,150 |
| **JOINT ITEMS** | | | | | |
| Joint Committee on Reduction of Federal Expenditures | 66,440 | 68,980 | 68,980 | 68,980 | 68,980 |
| **Contingent Expenses of the Senate** | | | | | |
| Joint Economic Committee | [2] 1,119,845 | 640,860 | 640,860 | 640,860 | 640,860 |
| Joint Committee on Atomic Energy | 466,925 | 481,260 | 481,260 | 481,260 | 481,260 |
| Joint Committee on Printing | 284,215 | 284,140 | 284,140 | 284,140 | 284,140 |
| Total, contingent expenses of the Senate | 1,870,985 | 1,406,260 | 1,460,260 | 1,406,260 | 1,406,260 |
| **Contingent Expenses of the House** | | | | | |
| Joint Committee on Internal Revenue Taxation | 712,280 | 756,720 | 756,720 | 756,720 | 756,720 |
| Joint Committee on Defense Production | 128,930 | 133,180 | 133,180 | 133,180 | 133,180 |
| Joint Committee on Congressional Operations (including Office of Placement and Office Management) | | 425,000 | 425,000 | 425,000 | 425,000 |
| Total, contingent expenses of the House | 841,210 | 1,314,900 | 1,314,900 | 1,314,900 | 1,314,900 |
| **Office of the Attending Physician** | | | | | |
| Medical supplies, equipment, expenses, and allowances | 77,300 | 92,900 | 92,900 | 92,900 | 92,000 |
| **Capitol Police** | | | | | |
| General expenses | 134,000 | 232,400 | 134,000 | 232,400 | 232,400 |
| Capitol Police Board | 1,009,865 | 1,009,865 | 1,009,865 | 1,099,865 | 1,009,865 |
| Total, Capitol Police | 1,143,865 | 1,242,265 | 1,143,865 | 1,242,265 | 1,242,265 |
| **Education of Pages** | | | | | |
| Education of congressional pages and pages of the Supreme Court | 129,850 | 129,850 | 129,850 | 129,850 | 129,850 |
| **Official Mail Costs** | | | | | |
| Expenses | 11,244,000 | 14,942,000 | 14,594,000 | 14,594,000 | 14,594,000 |
| **Capitol Guide Service** | | | | | |
| Salaries and expenses | | 376,300 | 328,000 | 328,000 | 328,000 |
| **Statements of Appropriations** | | | | | |
| Preparation | 13,000 | 13,000 | 13,000 | 13,000 | 13,000 |
| Total, joint items | 15,386,650 | 19,586,455 | 19,091,755 | 19,190,155 | 19,190,155 |
| **ARCHITECT OF THE CAPITOL** | | | | | |
| **Office of the Architect of the Capitol** | | | | | |
| Salaries | 993,800 | 1,128,700 | 1,095,700 | 1,095,700 | 1,095,700 |
| Contingent expenses | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 |
| Total, Office of the Architect of the Capitol | 1,043,800 | 1,178,700 | 1,145,700 | 1,145,700 | 1,145,700 |
| **Capitol Building and Grounds** | | | | | |
| Capitol buildings | 2,707,526 | 2,506,700 | 2,479,200 | 2,506,700 | 2,506,700 |
| Reappropriation | 125,000 | | 105,000 | 105,000 | 105,000 |
| Restoration of Old Senate Chamber and Old Supreme Court Chamber in the Capitol | | 1,209,000 | | 1,209,000 | |
| Capitol grounds | 901,800 | 1,047,000 | 1,047,000 | 1,047,000 | 1,047,000 |
| Senate office buildings | 4,123,100 | 4,692,600 | | 4,692,600 | 4,692,600 |
| Extension of additional Senate Office Building site | 510,000 | 31,500 | | 31,500 | 31,500 |
| Senate garage | 82,100 | 83,600 | | 83,600 | 83,600 |
| House office buildings | 6,245,000 | 7,549,000 | 7,899,000 | 7,899,000 | 7,899,000 |
| Capitol Power Plant (operation) | 4,251,300 | 4,449,000 | 4,449,000 | 4,449,000 | 4,449,000 |
| Reappropriation | | | 178,000 | 718,000 | 178,000 |
| Expansion of facilities, Capitol Power Plant (liquidation of contract authorization) | (50,000) | (285,000) | (285,000) | (285,000) | (285,000) |
| John W. McCormack Residential Page School | 50,000 | | | | |
| Total, Capitol buildings and grounds | 18,959,826 | 21,568,400 | 16,157,200 | 22,201,400 | 22,201,400 |
| **Library Buildings and Grounds** | | | | | |
| Structural and mechanical care | 1,565,200 | 1,202,000 | 1,134,000 | 1,202,000 | 1,162,000 |
| Reappropriation | 89,500 | | 26,000 | 26,000 | 26,000 |
| Library of Congress James Madison Memorial Building | 15,610,000 | 71,090,000 | 71,090,000 | 71,090,000 | 71,090,000 |
| Total, Library buildings and grounds | 17,264,700 | 72,292,000 | 72,250,000 | 72,318,000 | 72,278,000 |
| Total, Architect of the Capitol | 37,268,326 | 95,039,100 | 89,552,900 | 95,665,100 | 95,625,100 |
| **BOTANIC GARDEN** | | | | | |
| Salaries and expenses | 714,800 | 746,200 | 738,650 | 738,650 | 738,650 |

Footnotes at end of table.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1972—H.R. 8825—Continued

SUMMARY OF BILL—Continued

| Item | New budget (obligational) authority, fiscal year 1971 (enacted to date) | Budget estimate of new (obligational) authority, fiscal year 1972 [1] | House bill | Senate bill | Conference action |
|---|---|---|---|---|---|
| **LIBRARY OF CONGRESS** | | | | | |
| Salaries and expenses | $23,183,000 | $34,641,000 | $33,408,000 | $33,661,000 | $33,476,000 |
| Copyright Office, salaries and expenses | 3,906,000 | 4,586,000 | 4,586,000 | 4,586,000 | 4,586,000 |
| Congressional Research Service, salaries and expenses | 5,653,000 | 9,659,000 | 6,800,000 | 8,155,000 | 7,166,000 |
| Distribution of catalog cards, salaries and expenses | 9,000,000 | 10,098,000 | 9,726,750 | 9,726,750 | 9,726,750 |
| Books for the general collections | 800,000 | 1,090,000 | 962,000 | 995,000 | 971,000 |
| Books for the law library | 140,000 | 175,000 | 156,500 | 156,500 | 156,500 |
| Books for the blind and physically handicapped, salaries and expenses | 7,647,000 | 8,591,000 | 8,550,000 | 8,550,000 | 8,550,000 |
| Organizing and microfilming the papers of the Presidents and other great Americans, salaries and expenses | 150,500 | | | | |
| Collection and distribution of library materials (special foreign currency program): | | | | | |
| Payment in Treasury-owned foreign currencies | 2,148,000 | 2,625,000 | 2,625,000 | 2,625,000 | 2,625,000 |
| U.S. dollars | 241,000 | 278,000 | 266,000 | 266,000 | 266,000 |
| Furniture and furnishings | 350,000 | 570,000 | 435,000 | 505,000 | 454,000 |
| Revision of Hinds' and Cannon's Precedents, salaries and expenses | 30,000 | 76,000 | 76,000 | 76,000 | 76,000 |
| Revision of Annotated Constitution, salaries and expenses | 110,709 | | | | |
| Total, Library of Congress | 53,359,209 | 72,389,000 | 67,591,250 | 69,302,250 | 68,053,250 |
| **GOVERNMENT PRINTING OFFICE** | | | | | |
| Printing and binding | 32,000,000 | 38,000,000 | 38,000,000 | 38,000,000 | 38,000,000 |
| Office of Superintendent of Documents, salaries and expenses | 12,236,000 | 14,445,900 | 14,445,900 | 14,445,900 | 14,445,900 |
| Government Printing Office revolving fund | 22,000,000 | 3,500,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| Total, Government Printing Office | 66,236,000 | 55,945,900 | 55,945,900 | 55,945,900 | 55,945,900 |
| **GENERAL ACCOUNTING OFFICE** | | | | | |
| Salaries and expenses | 79,991,000 | 87,598,000 | 86,618,000 | 87,598,000 | 87,108,000 |
| **COST-ACCOUNTING STANDARDS BOARD** | | | | | |
| Salaries and expenses | 820,000 | 1,650,000 | 1,500,000 | 1,500,000 | 1,500,000 |
| Grand total, new budget (obligational) authority | 442,904,319 | [1] 535,349,607 | 449,899,605 | 532,297,749 | 529,309,749 |
| Consisting of— | | | | | |
| 1. Appropriations | 442,689,819 | [1] 535,349,607 | 449,590,605 | 531,988,749 | 529,000,749 |
| 2. Reappropriations | 214,500 | | 309,000 | 309,000 | 309,000 |
| Appropriation to liquidate contract authorization | (50,000) | (285,000) | (285,000) | (285,000) | (285,000) |

[1] Includes amendments submitted in H. Doc. Nos. 92-93, 92-101, 92-120, and S. Doc No. 92—. [2] Includes $500,000 in 2d Supplemental Appropriation Bill, 1971, for a 2-year study of welfare programs.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the Senate will resume the consideration of routine morning business with a limitation of 3 minutes on statements therein.

## DEATH OF RUSSIAN COSMONAUTS

Mr. MONDALE. Mr. President, earlier the distinguished minority leader and the distinguished majority leader spoke for all of us when they expressed deep sadness on the death of the cosmonauts following the tragic conclusion of their recent long duration space flight. I certainly join with them and with all Americans in expressing our sadness as Americans at this enormous tragedy which befell these heroic human beings.

I wish to make this point because I think it has often been lost during the course of debate over space policy. There has been very profound concern expressed in the past by many of our top scientists in this country about the risks to human life from long duration weightless space flight.

I would remind the Senate that a few years back at great expense we funded what was known as a biosatellite effort, an effort to test the physical consequences of long duration by first experimenting with space craft directed by trained monkeys. The flight was aborted, I think, at the end of the eighth day and returned to earth, and the animals died as a result of that experiment.

Then we had the Soyuz 9 flight, which I think went for some 18 days, piloted by the Russian cosmonauts.

Following the return of that flight to earth, the cosmonauts had several days following the flight when it was almost impossible for them to walk, and several weeks of extreme physical discomfort. The reports from Soviet doctors indicated great concern about the health of those cosmonauts.

Now we have the death of three cosmonauts following 20 days of long duration flight. The news did not tell us what happened, so this can only be speculation, but I do believe that these sad facts joined together should cause our space agency and the Russian space counterpart to seriously reconsider the plans which have led to these tragedies and risks to human life and ought to cause us to look more seriously at present plans, which we authorized yesterday for a space shuttle, which assumes the possibility of long duration flights and calls for the establishment of a space shuttle simply for the purpose of establishing a space station which again assumes the physical practicality of long duration space flights.

It is a tragedy that we lost the cosmonauts. It may be for reasons other than those I am suggesting, because we do not have the information, but, in any event, there has been broad and wide discussion in the scientific community as to the risks of long duration flights.

I would hope that the space agency, in addition to seeking cooperation with the Russians in their space efforts on manned space flights, would seriously reconsider, in light of this tragedy, what implications there might be arising from this tragedy for our own space program.

Mr. PERCY. Mr. President, I shall confine my remarks to 3 minutes. I do wish to differ with my distinguished colleague.

I did have the great honor and privilege of serving on the Space Committee for 2 years when I first came to the Senate. The most difficult task that we had at that time, in January 1967, and for the next few months, was to try to study and understand the reason for the tragic loss this Nation suffered when our astronauts were burned in a terrible accident. We analyzed, we appraised, we probed, we changed many procedures. We considered all phases of the safety problem.

As a consequence of that investigation, none of us wished to adhere to a schedule if it would involve any danger to human life. In fact, time and again we told the NASA officials that if there was a danger that could not be taken fully into account, we wanted to wait until it was as certain as man could be that the flights would be safe. As a result of that caution, we were able to continue our space program safely, and went on to magnificent achievements.

I do respectfully disagree with the conclusion that we should scuttle our space shuttle program, because I have such great faith that this particular program offers a unique opportunity for us to share space efforts—to have international exploration of space.

In the next few years, an event will take place that has not occurred since 1700, namely, an alignment of the planets making it possible to have an instru-

mented grand tour. This event will not occur again for 175 years. I would hope that mankind, particularly the Soviet Union and the United States, the two superpowers, would now, in the aftermath of this great tragedy, reaffirm our belief that we should work together in space, that we should reduce our costs, that we should share the program. I hope we can agree that we should not attempt to seek an advantage, nor use space for military purposes, but should cooperate to find a way to push back the frontiers of knowledge in the field of space exploration.

Mr. President, we all join in expressing our deepest regret over the tragedy that has struck the Soviet Union. We extend our deepest sympathy to the Soviet Government, to the people, and particularly to the families of the cosmonauts.

As a fitting memorial to the Cosmonauts, I would hope that we would commit ourselves to working jointly in space, with the Soviet Union and other countries. That is the spirit in which I hope we will conduct ourselves in the future.

Mr. MONDALE. Mr. President, if I may have just 1 minute, and I shall be through, apparently the Senator from Illinois did not understand what I was saying. My question arose surrounding solely the question of long duration manned flights. That was involved in the 20-day flight disaster. That is not involved in any sense in the so-called grand tour, which is an instrumented flight.

The truth of it is that NASA is now embarked on a multibillion-dollar program which assumes the safety of long duration manned flights. I think what I have said raises great doubts about that.

I yield the floor.

## THE INCREDIBLE RISE IN THE COST OF THE SAFEGUARD ABM

Mr. SYMINGTON. Mr President, according to a wire story just received, the estimated cost of the Safeguard ABM system, now before the Senate, is up by $4.6 billion from 2 years ago, to a total of $18 billion. But its former development chief says, "There is no one at fault."

Lt. Gen. A. D. Starbird, until April 1 system manager for the controversial antiballistic missile program, said in testimony published today, the cost overrun is due partly to inflation, partly to a stretchout ordered by Congress, and to a lesser extent to design changes and revised cost estimates

The total includes $1.1 billion in atomic energy costs of nuclear warheads and approximately $3 billion in development costs of predecessor systems going back to 1965.

The press account further reports that, sticking strictly to Army costs for the projected 12-site Safeguard system, Starbird said the estimate has risen from $9.1 billion 2 years ago to $10.7 billion last year to a current figure of $13.7 billion.

"Is anybody at fault?" asked Representative DANIEL J. FLOOD, a member of an Appropriations Subcommittee conducting the hearings.

"No, sir," Starbird replied. "There is no one at fault."

Starbird said inflation accounts for $1.9 billion of the $3 billion increased cost estimate over last year, and that this may turn out to be a too conservative figure. A slowdown on the program added $700 million to the estimate, and design changes cost $400 million.

Starbird, since retired from the Army, and now deputy assistant to research and development director, Dr. Foster, said in the March 23 closed-door testimony, published today, that each month's stretchout in approaching the total program costs about $30 million.

For some time I have said that this program is the greatest single boondoggle that I have seen since I have been in government—and that is saying a lot. I hope that all Members of the Senate would realize that if the United States continues to try to defend itself by getting behind a modern technological Maginot line, the same thing could well happen to this country as happened to France.

Mr. GOLDWATER. Mr. President, I was interested in the colloquy a few moments ago between the distinguished Senator from Minnesota and the distinguished Senator from Illinois.

During the recent Paris air show, it was my pleasure to have met two of the Russian cosmonauts in company with our astronauts. During the course of the conversation, we got into what would be the major differences between the cosmonauts' experience and the astronauts' experience. It turns out that very few of the cosmonauts are pilots; they are engineers. Only one American astronaut, in my memory, has been an engineer. So the Russians have not experienced weightlessness as our pilots have. It frightened them; they were never able to overcome their concern with it, while our men have never been particularly bothered by it.

It was interesting to learn that weightlessness was a matter of concern to the Russians where it was not to our astronauts. The one man we had who was an engineer was taught to fly supersonic jets, and had experienced weightlessness.

I read in a newspaper today that a suspected cause of the death of these three cosmonauts was the effect of gravity on their hearts as they returned to a weighted condition from a weightless condition I join the other Members of the Senate and all the people of this country in feeling great sorrow over the loss of these brave men, but I would hate to think that that would cause us to stop our quest for knowledge. What would have happened to the United States if we had quit after the first test pilot was killed? What would have happened if we had stopped our drive to the West after the first locomotive engineer lost his life, or after the first stagecoach driver was killed by Indians? What would have happened to the growth of this country if, after the first unfortunate accident, we had given up?

I think we have already given up far too much in our quest for technology, and I hope, while we express our sorrow over the loss of these brave men, that we will not, at the same time, use it as an excuse to restrict the growth of our great American technology.

Mr. PERCY. Mr. President, I am pleased, indeed, to concur in the statement of my distinguished colleague from Arizona. He knows that while I served on the Space Committee, we did cut the space budget substantially. I worked for 2 years to cut several billion dollars out of it, and the fat has been removed. But we are going to totally demoralize the people in the space program if we do not give them a feeling now that there can be some continuity in their programs.

## THE SUPREME COURT DECISION ON THE PENTAGON PAPERS

Mr. PERCY. Mr. President, I take the floor at this time to comment on the Supreme Court decision with respect to the publication of the Pentagon papers.

This has truly been a landmark case. It has presented perhaps the first and certainly the most dramatic test of the principles of freedom of the press and the confidentiality of Government in this country's history. The Supreme Court decision is, in my judgment, well-founded and right.

The public has a right to know and the press has a right—indeed, an obligation—to publish the facts revealed in these documents. The courts have considered and confirmed the fact that their publication does not jeopardize in any real sense the national security. They divulge little more than history.

But their real significance extends beyond specific history to the revelations that the American people have been mislead, deceived, manipulated, and unconsulted. For a Government based on the principle of an informed and active citizenry, it would be tragic to prevent the free flow of information concerning matters which citizens are called upon to decide and that so vitally affect their lives and treasure.

I am deeply disturbed by the contempt that was shown for public opinion and for the public's elected representatives, the Congress, which is constitutionally entitled to share the responsibility for foreign policy decisions. But I am more disturbed and alarmed by the contempt that we seem to have held, as a Government, for the truth. We seem to have lost sight of the fact that it is the truth that makes us free.

Mr. President, in no sense do I want these comments to be interpreted as partisan. Many, many times, through Democratic and Republican administrations alike, this Government has withheld from the public the truth and has tried to prevent the truth from being published. I have seen it happen not only in the executive department, but in Congress as well.

I think we must scrutinize carefully everything that we do, to preserve the right of the people of this country to know. Although I had a chance to study only four volumes, I did not find a single document in the Pentagon papers that would in any way involve our national security. No one wants to have published some confidential remark he may have said about someone else, whether he is

an Ambassador, a foreign diplomat, or a Member of Congress. But personal embarrassment does not endanger the national security.

Through the Supreme Court decision, the entire world will have the chance to see that we do mean what we say when, in our Constitution, we guarantee a free press, which I regard as one of the greatest of our American institutions.

I think there is one other aspect of this matter that should be brought out. As I went through the papers—and I feel free now to discuss them, though I did want to maintain the top secret category as long as that was imposed on us—I did find some things in them that are extremely important.

I checked carefully the area that dealt with atrocities committed by both sides, but particularly by the Vietcong, because I had been in the village of Docsongh 4 days after the Communists had come in with torches at midnight and burned to death several hundred people. We have had atrocities that we have freely admitted—in fact we have prosecuted our own people who were accused of responsibility for those atrocities. But here was evidence in intelligence reports that provided irrefutable proof that atrocities had been committed as a result of top level planning. These atrocities were part of a scheme to exterminate thousands of village chiefs and, through this, to try to bring down the government in Saigon.

I think it serves our national interest to have that kind of information revealed. I think there is little to be lost and much to be gained all the way around by the publication of these reports.

Mr. COOPER. Mr. President, I agree with the general principles of the statement made by the Senator from Illinois. The first amendment is a part of the Bill of Rights, which was made a part of the Constitution to protect against an abridgment of the rights of the people by the executive and legislative branches of our Government.

However, I note, in reading the AP and UPI ticker reports on the decision, that nine separate opinions were written by the Court. I have not read these opinions, and I do not know what they hold. In the short account by the wire services, it was stated that the question was in substance, are there any limitations upon the first amendment? But the leading line quoted on the opinion of the majority of the Court was that, in substance, there is a strong presumption against prerestraining orders against publication.

So I must wait to read the opinion to know whether or not that presumption is rebuttable. Whether the Court held that the first amendment has no limitations and that no restraining order could be issued against the publication of the papers, or whether it held that the presumption against issuing such a restraining order, strong as it is, could be rebutted and overcome by clear evidence of danger to our national security.

I hope very much that the Court will lay down guidelines.

The decision may be that the first amendment is without limitation, or it may say there is such a strong presumption against issuing such a temporary restraining order, that, on the face of the papers upon which the court had to pass, that presumption had not been overcome.

I will comment that once these papers came into the hands of the press and were published generally throughout the country, I believe that if I had had the authority to make the decision, I would have released all the papers and let the country as a whole and the press as a whole and the Congress have a chance to inform themselves about all the papers.

I might say that this is a very broad and large question, one which is of profound importance. I believe there is another issue which is also of importance, which deals with the information that Congress can receive. We have an act on the books which provides that certain intelligence can be made available to the Executive, proscribes it being made public, and it does not have any exemption so far as the knowledge of Congress is concerned. I think this is a situation with which we have the legislative right to deal.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BAKER. Mr. President, I yield whatever time I have to the Senator from Kentucky.

Mr. COOPER. When Congress has to pass upon great questions relating to national security, relating to the development of foreign policy, Congress should have the same intelligence as a matter of right that the Executive enjoys.

Last year, I prepared a bill to insure that appropriate committees of Congress and other Members of Congress could have that right. I refrained from introducing it at that time because of examinations that were going on in the Committee on Foreign Relations with respect to our commitments. I intend to introduce the bill next week. It is within the scope of the question that the Supreme Court will pass upon. But I must say that I think Congress, as the elected representatives of the people, in order to make proper decisions, in order to have its constitutional share in the development of foreign policy and national security policy, must have the same intelligence that now is provided as a matter of right to the Executive.

Mr. HUMPHREY. Mr. President, I have listened with considerable interest to the commentary of the Senator from Illinois and the Senator from Kentucky, and I am sure that many of us in this Chamber have already been interviewed by the press as to our reactions to the Court decision.

I should like to say very directly that I believe this decision does serve the national interest. I think it is a landmark decision. I believe that the Government, in bringing this case through the process of the courts, has also served the national interest.

The issue of the so-called Pentagon papers and the right to publish is fraught with emotion, with all sorts of contention and the judicial process. While it may have disturbed some people with a temporary injunction, the rapidity with which the processes worked has tended to take an issue that was in the pits of passion and emotion into the arena of reasoned judgment.

I believe that on this basis we have once again strengthened the fabric of constitutional government in this country.

The first amendment is a very precious amendment, and those who use it or exercise their rights under it obviously are subject at times to serious criticism. In this instance, of course, many people were in support of the press and its right to publish. Others have used the first amendment as a minority, so to speak—their right to dissent, their right to publish, their right to demonstrate. All these rights under the first amendment, whether it is a majority or a minority, are so precious that the presumption in any court of law or in any parliamentary body must be that the right of free speech and free press prevails.

I listened to the very reasoned remarks of the Senator from Kentucky—he is a lawyer and has been a judge—as to what the individual judges ruled or what their individual decisions were, whether or not there was a feeling that there was no presumption on the part of the Government, no right to seek an injunction, or whether or not, if one sought injunctive relief as a member of government, the burden of evidence had to be so overwhelming in support of the so-called national interest or national security interests that there could be no doubt whatsoever.

I am not a lawyer, but I am a legislator and have served in several areas of government. I think it is fair to say, Mr. President, that a so-called historic adversary proceeding has prevailed between government, on the one hand, and the people, on the other, and in some instances between the executive branch and the legislative branch. It has not been easy for us, over the years of our history, to make decisions that reflected what was the public interest.

I sent to my office for a little quotation from Thomas Jefferson. We are always quoting Jefferson as the great libertarian and obviously one of our truly great presidents. I think that today it might be worthwhile to hear what he had to say about the press and what he had to say about freedom. When he was President—it should be noted what period of time this was—he said:

> Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. I will add that the man who never looks into a newspaper is better informed than he who reads them. . . .

That was President Jefferson.

Now, Mr. President, here is citizen Jefferson in the full maturity of his life, in 1823, just 2 years before he died:

> The press is the best instrument for enlightening the mind of man, and improving him as a rational, moral, and social being. (1823)

We see that it sometimes depends upon where one stands.

I guess, on balance, we would have to say that Thomas Jefferson believed in full freedom because he was, above all,

the author of the first amendment. So I want to come down today on this point that, on the one hand, Government was given its day in court and in the Government's pursuit of that day in court I think it performed a service; on the other hand, the Court, listening to the arguments, has performed a most valuable service, I believe, for many a year, in this period of tension, bitterness, division, and emotion, to say with great clarity that the rights under the first amendment are so precious and so much a fundamental part of our whole system that even though it may be, as the Senator from Illinois has said, an embarrassment to Government, even though it may be proven that judgments were ill-conceived and poorly arrived at even though there may be all kinds of difficulties, that the first amendment prevails.

I think that this is a great day for freedom in this land.

May I suggest that we in Congress, who have been highly critical of the executive branch regarding its secrecy, might very well examine our own procedures, because when we take a look at how many executive sessions we have had, and how many hours of meetings we have had which have not been made public, where the information and even the votes have not been made public, we might feel that we will want to examine our own procedures lest we become the subject as a body—not as individuals—of some attack from the free press.

There is one other point in light of what my good friend from Illinois for whom I have such high regard has said, that once the papers were published—and also as the Senator from Kentucky has indicated—once a part was published, it has been my view, even though it may be the subject of some embarrassment to me as part of the previous administration, that the fiction about the unpublished documents would be worse than the so-called truth. Without getting into the argument of whether they should have been published, that is pretty well determined by the rule of the court that the fact they were partially published indicated to me they should all be made available.

Mr. President, we in Congress have a very big responsibility ahead of us. The documents have been delivered to this body. The public is going to watch us very carefully to see how we handle them and what procedures we set up, what kind of procedures for analysis and evaluation, and ultimately what conclusions and recommendations we make. Some of us individually have had more than our fair share to say about the so-called Pentagon papers. Now we are on the spot. The executive branch has gone through its exercise. Now it is in our ball park. I would hope that we would not get into a contest in Congress as to which committee or which subcommittee is going to have the unique privilege of examining into all these matters.

I would hope that the leadership, as it has on so many other occasions, will give us a sense of direction that we will review these documents, and others—because there are others—with a sense of objectivity, a sense of great responsibility, because we are talking about matters that do relate to judgments made in the past, to be sure, but we should have some guidelines for the future.

Let me leave my colleagues with this thought: If all we are going to do is talk about our yesterdays, then hearing "God Bless America" is no longer going to be something to cheer us on but will become more or less a benediction. We must take a look at where we are going and not so much where we have been. We must think more of tomorrow rather than about yesterday. Everyone has 20-20 hindsight. I wonder whether we can have some degree of foresight, so that out of all this we can learn a valuable set of lessons both for the Executive and Congress and the relationship between the people and government.

The important thing today is to restore confidence in the processes of government, not in a Cabinet officer or a President or any one administration, but in the processes of government.

Will our Government be responsive to the needs of the public?

Will it be willing to share its judgments with the people?

The PRESIDING OFFICER. The time of the Senator has expired. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

## THE FISCAL SITUATION IN THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, today is red letter day for the U.S. Government. More descriptively, it is red ink day. Today, June 30, is the last day of the fiscal year 1971. Our Government will end this day and end this fiscal year with a Federal funds deficit of approximately $27 billion.

The estimates for fiscal year 1972, which begins tomorrow, indicate that our Government will end the next fiscal year with a Federal funds deficit of at least $25 billion.

Mr. President, in 2 fiscal years this Government will have added an accumulated Federal funds deficit of more than $50 billion. Yet, persons wonder why the purchasing power of our dollar has decreased and why the dollar has been experiencing the great difficulties in Europe that it has been.

Mr. President, it seems to me that it is inevitable that the dollar will lose value as long as the Government continues to run these tremendous deficits.

During the last 3 years of former President Johnson's administration, the accumulated Federal funds deficit was $49 billion. During the first 3 years of President Nixon's administration, the accumulated Federal funds deficit will be $64 billion. So in that 6-year period, our Government will have run an accumulated Federal funds deficit of $113 billion.

I say that today is in many respects a sad day for the United States. Certainly it is a red figure day for the United States. It is a red ink day for the United States.

It is unfortunate, I think, that the question of government finances is such a dry question. It is not one that creates spicy newspaper headlines. Yet it is a question that affects the daily lives of every man, woman, and child in our Nation and affects every wage earner's paycheck. It affects every housewife's grocery dollar.

Mr. President, if this Government—and by the "Government" I mean the executive branch and the legislative branch—wants to help the wage earners of this country, if it wants to help the housewives of this Nation, then I say that the best way to help them would be to put the Government's financial house in order.

Mr. President, in studying the figures it is significant to note that, going back some 25 years to a period after World War II, the 2-year period which up to that point had the largest accumulated deficit was the fiscal years 1967 and 1968. The deficit in those 2 years alone totaled $33 billion. We know what happened after the 1968 fiscal year. We know that inflation accelerated and that it was necessary for Congress to enact a very substantial tax increase.

Mr. President, that $33 billion in those 2 fiscal years—1967 and 1968—is not a circumstance to the more than $50 billion deficit which the Government will run for fiscal years 1971 and 1972. The deficit in those two fiscal years, 1971 and 1972, will be 50 percent greater than the deficits for fiscal years 1967 and 1968.

Mr. President, I think that there is just cause for the business community of this Nation and for the individual citizens of this Nation to be lacking in confidence as to the economic outlook for the United States.

Mr. President, if the Government's fiscal situation is to be got under control, it must be a joint effort by the executive branch and by the Congress. The Congress cannot say to the President "You do it." And the President cannot say to the Congress "You do it." We have to do it together. Unfortunately, together we are going in the opposite direction.

The President in January brought in a deficit budget, and the Congress gives every indication of adding to that deficit budget.

Mr. President, I say again on this 30th day of June, 1971, the last day of the fiscal year, it is a sad day when one contemplates what is happening in the field

of Federal finance, and that is translated into the daily lives of the American people because this continued inflation is eating into the pay check of every wage earner and it is eating into the grocery money of every housewife. So when we are talking about Government finances here in the Capital of the United States we are talking about human needs, because, Mr. President, when you reduce the value of the dollar you are reducing the purchasing power of all of our people.

Yes, Mr. President, this June 30, 1971, the last day of the fiscal year, is a red-letter day for our Government. it is a red-figure day for our Government, and a red-ink day for our Government.

## PRESIDENT'S VETO OF S. 575

Mr. BAKER. Mr. President, I want to take this opportunity to express my approval of the President's decision to veto S. 575, the bill which would have provided extensions of both the Appalachian Regional Development Act and the Public Works and Economic Development Act of 1965, but which also included what I feel is generally considered a bad piece of economic legislation—the Accelerated Public Works Act. I am genuinely disappointed that S. 575 has followed the course that it has. It is disconcerting and deeply frustrating to have important legislation such as the Appalachian program become the vehicle for questionable programs. I am relieved that the prospects for freeing the Appalachian program of its burden are brightened by the President's action in vetoing this bill. I hope that I can now see the end of the struggle to legislatively disencumber the important programs embodied in titles II and III of S. 575 from the albatross which the House appended in the form of title I.

The faults of the accelerated public works program as an unemployment countermeasure are many and have been inventoried countless times in this body accurately and in detail in the statements of Senators COOPER, JAVITS, DOLE, BUCKLEY, and myself on the floor in debate on the conference report and also in the President's veto message which came to Congress this past Tuesday, June 29. No further restatement of the shortcomings of this piece of legislation is needed. Suffice it to say that accelerated public works is—or was—a bad piece of legislation. Now, hopefully, it is a dead issue.

It is my intention to vote against the motion to override the veto of the President of S. 575. I do not conceive this action to be any threat to the continuation of the Appalachian and EDA program embodied in titles II and III of S. 575. With the passage of the general appropriations extension resolution, the Congress has provided itself until August 6, 1971, ample time to reintroduce and pass the extensions of these important programs. I am hopeful that Congress, realizing the wisdom of the President's rejection of title I of S. 575, will sustain his veto of that program and will undertake immediately to enact the extensions of these important programs.

The President in his veto message has carefully pointed out his support for the Appalachian regional development program, the Congress has continually expressed its support for this excellent program, and the Appalachian Regional Commission has consistently reinforced that faith in the administration of its responsibilities. I firmly believe that the sustaining of the President's veto will be but the first step in the passage of the extensions of this program and the EDA program which originally had constituted the Senate version of S. 575.

## QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

## CONSTITUTIONAL AMENDMENT ALLOWING 18-YEAR-OLD VOTE RATIFIED BY ILLINOIS

Mr. PERCY. Mr. President, I was delighted to learn yesterday of the action by the Illinois General Assembly ratifying an amendment to the Constitution allowing 18-year-olds the right to vote in State and local elections. Their action made Illinois the 35th State to ratify this amendment.

This action is particularly significant in light of an earlier decision by Illinois voters to reject an 18-year-old vote proposal as part of their recently redrafted constitution. The earlier vote, however, had come prior to the Supreme Court decision affirming the constitutionality of Congress' efforts to extend the right to vote in Federal elections to 18-year-olds.

It seems clear, Mr. President, that the Illinois Legislature recognized and acted to avoid the confusion and inequity of a legal situation wherein certain citizens would be empowered to vote in Federal elections but precluded from similar participation in State and local elections.

My position in favor of the 18-year-old vote has been one of long standing, and I will not take the time here to reiterate the reasons I think this privilege should be extended to this class of citizens. But I do wish to commend the legislature for its decision to reconsider the issue and for its wisdom in ratifying the constitutional amendment.

I ask unanimous consent to have printed in the RECORD an article from the Chicago Tribune and the Washington Post of June 30 announcing this action.

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

[From the Chicago Tribune, June 30, 1971]

ILLINOIS RATIFIES VOTE AT 18

(By Michael Kilian)

SPRINGFIELD, ILL., June 30.—Illinois today became the 35th state to ratify the 18-year-old vote for all elections.

The action came in the Senate, where a ratification measure was passed, 36 to 18. It had been passed by the House late last night after Republicans who had tied up the measure agreed to move it.

Only three more states are needed to ratify the vote extension for it to become law. An estimated 11.5 million Americans between the ages of 18 and 21 would become eligible to vote if the amendment is approved.

3 STILL IN SESSION

Alabama, North Carolina and Ohio are the only states with legislatures still in session, altho Gov. David Hall of Oklahoma has ordered his legislature into a special session Thursday to take up the matter.

Alabama, said to be in favor of ratification, is expected to act soon. Ohio, which had been waiting for the results in Illinois, also is expected to act quickly.

Because of a United States Supreme Court decision several months ago, 18-year-olds already have the right to vote in federal elections for President, United States senator and congressman.

OPPOSITION WAS STRONG

The constitutional amendment would extend this right to all state and local elections.

The proposal drew strong opposition thruout the country, particularly in Illinois where voters last Dec. 15 overwhelmingly rejected a provision in the new state constitution calling for an 18-year-old vote.

Downstate Republicans said they could not support a federal proposition when the voters in their districts already had turned down a state one. They also opposed ratification on the ground that students would use the 18-year-old vote for takeovers of local government in college and university towns.

A Republican measure to prevent students from registering in college towns was passed by the G.O.P.-controlled House but tied up in the Democrat-controlled Senate. Republicans threatened to block ratification if the Democrats did not pass the antistudent registration bill. However, Democrats, led by Sen. Cecil Partee (Chicago), president pro tem, killed the bill anyway.

MOVE TO RATIFY

After sitting on ratification for several weeks, the G.O.P. finally gave in and moved the ratification measure for passage. The Republican leadership said it did not want to be blamed for failure of ratification of the 18-year-old vote.

Ratification passed the House, 115 to 42, with only one Democrat in opposition. All 18 Senate votes against it this morning were morning were Republican; 28 Democrats and eight Republicans supported ratification.

[From the Washington Post, June 30, 1971]

ILLINOIS RATIFIES VOTE AT 18

Illinois ratified the 18-year-old vote amendment to the Constitution yesterday to become the 35th state to do so. Two more legislatures appeared poised to push the proposal to the threshold of final approval.

The Alabama legislature, which has passed ratification measures in both houses, is held up on conference between the two chambers.

In North Carolina, where the House already has passed the ratification, the issue was postponed by the Senate until Wednesday, but ratification is expected.

With these two states in, only one more state would be needed to reach the 38 required to make the measure the 26th amendment to the Constitution.

That could come as early as Thursday, when the Oklahoma legislature answers Gov. David Hall's call for a special session to ratify. Failing that, Wyoming comes into a special session next Tuesday for the same purpose.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives announced that the House had

passed without amendment S. 1700, an act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The message also announced that the House had passed the bill—H.R. 9417—making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

## QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## RECESS

Mr. BYRD of West Virginia. Mr. President, with the understanding that when the Senate reconvenes following the recess this afternoon, the period for routine morning business at that time be resumed, with statements limited to 3 minutes therein, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and at 4:30 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 5:15 p.m. when called to order by the Presiding Officer (Mr. GRIFFIN).

The PRESIDING OFFICER. The Senator from Iowa is recognized.

(The remarks of Mr. HUGHES when he introduced S. 2217 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## RECESS

Mr. BYRD of West Virginia. Mr. President, with the understanding that when the Senate reconvenes following a recess, the period for the transaction of routine morning business be resumed with statements limited therein to 3 minutes, I move that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to; and at 5:16 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 5:32 p.m., when called to order by the Presiding Officer (Mr. TAFT in the chair).



## RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the same understanding as in the instances of recesses earlier today.

The motion was agreed to, and at 5:36 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 5:44 p.m., when called to order by the Presiding Officer (Mr. STEVENSON).

The PRESIDING OFFICER. The Senator from Utah is recognized.

(The remarks of Mr. BENNETT when he introduced S. 2216 are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## ADDITIONAL INTRODUCTION OF BILLS

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

By Mr. COOPER:

S. 2218. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself, Mr. BENTSEN, Mr. EAGLETON, Mr. HUGHES, Mr. MANSFIELD, Mr. MONDALE, Mr. RANDOLPH, Mr. NELSON, and Mr. WILLIAMS):

S. 2219. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration. Referred to the Committee on Veterans' Affairs.

## ADDITIONAL STATEMENTS ON INTRODUCED BILLS

By Mr. COOPER:

S. 2218. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers. Referred to the Committee on Labor and Public Welfare.

Mr. COOPER. Mr. President, I introduce today a bill to amend the Railroad Retirement Act of 1937. The purpose of this bill is to increase the amount of the annuities payable under the Railroad Retirement Act of 1937 to widows and widowers.

The bill I introduce today is identical with the bill, H.R. 5521, which Congressman PEPPER introduced in the House on March 3, 1971.

By Mr. CRANSTON (for himself, Mr. BENTSEN, Mr. EAGLETON, Mr. HUGHES, Mr. MANSFIELD, Mr. MONDALE, Mr. RANDOLPH, Mr. WILLIAMS):

S. 2219. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration. Referred to the Committee on Veterans' Affairs.

VETERANS ADMINISTRATION HEALTH MANPOWER TRAINING ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference, on behalf of myself, Mr. BENTSEN, Mr. EAGLETON, Mr. HUGHES, Mr. MANSFIELD, Mr. MONDALE, Mr. NELSON, Mr. RANDOLPH, and Mr. WILLIAMS, S. 2219, a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration.

When the Senate reconvenes after the July 4 recess, I will present a comprehensive statement, as well as a section-by-section analysis, regarding of S. 2219, the proposed Veterans' Administration Health Manpower Training Act of 1971.

Mr. President, at this time I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

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

S. 2219

A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration

*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 "Veterans' Administration Health Manpower Training Act of 1971".

SEC. 2. The Congress hereby finds and declares—

(1) that there is a great shortage of physicians, other health professionals, allied health personnel, and other health manpower in the United States;

(2) that it is estimated that there is a shortage in the United States now of at least 48,000 physicians, 17,800 dentists, 150,000 nurses, 8,700 optometrists, 12,000 podiatrists, and 266,000 allied health and other health personnel;

(3) that the Veterans' Administration operates the largest medical care system in the United States with over a quarter century of experience in the education and training of health manpower;

(4) that the Department of Medicine and Surgery of the Veterans' Administration maintains an active and close affiliation with eighty-one medical schools, 51 dental schools, 287 schools of nursing and approximately 400 universities, colleges, and junior colleges which educate and train health manpower;

(5) that it is essential that the health manpower pool of the Nation be expanded;

(6) that if the training of sufficient numbers of physicians, other health professionals,

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allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

(7) that because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical, other health and allied health professions schools, and area health education centers in the establishment of new public non-profit medical, health professions and allied health schools and area health education centers, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; and

(8) that it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans.

SEC. 3. Section 4101 of title 38, United States Code, is amended by deleting subsection (b) and inserting in lieu thereof the following:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health manpower to the Nation, the Administration shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower, acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health or allied health professions; other institutions of higher learning; medical centers; academic health centers and area health education centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate. For the fiscal year ending June 30, 1972, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) a separate line item showing the estimated expenditures by the Veterans' Administration during such fiscal year for the education and training of health manpower."

SEC. 4. Section 5001 (c) of title 38, United States Code, is amended by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that any new hospital shall be constructed in close proximity to a school of medicine or osteopathy which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education and Welfare and which has agreed to affiliate with the Veterans' Administration through such hospital and shall include such classrooms, lecture facilities, laboratories, and other teaching space, facilities, aids, and beds as are necessary to make the hospital suitable for health manpower education and training in accordance with the purposes of chapter 82 of this title".

SEC. 5 (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter:

"CHAPTER 82—UTILIZATION OF VETERANS' ADMINISTRATION HOSPITALS TO IMPROVE AND EXPAND EDUCATION AND TRAINING OF HEALTH MANPOWER

"Subchapter I — COORDINATION WITH OTHER PROGRAMS; AUTHORIZATIONS FOR APPROPRIATIONS; GENERAL PROVISIONS

"Sec.
"5061. Coordination with other programs.
"5062. Authorization for appropriations.
"5063. Limitation on agreements; regulations.

"Subchapter II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

"5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training.

"Subchapter III—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCATION CENTERS

"5065. Declaration of purpose.
"5066. Definitions.
"5067. Pilot program assistance.

"Subchapter IV—ASSISTANCE TO AFFILIATED MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"5071. Declaration of purpose.
"5072. Definitions.
"5073. Grants.
"5074. Payments.

"Subchapter I—COORDINATION WITH OTHER PROGRAMS: AUTHORIZATION FOR APPROPRIATIONS; GENERAL PROVISIONS

"§ 5061.Coordination with other programs

"The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under this chapter and programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"§ 5062. Authorization for appropriations

There is hereby authorized to be appropriated $125,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the five succeeding fiscal years. Funds appropriated pursuant to this section shall be used for entering into agreements and making grants pursuant to this chapter. Funds appropriated pursuant to this section shall remain available until expended. Not more than 2 per centum of the funds appropriated pursuant to this section for any fiscal year may be used for administrative expenses in carrying out this chapter in such fiscal year.

"§ 5063. Limitations on agreements; regulations

"(a) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter after the close of the sixth calendar year after the calendar year in which this chapter takes effect.

"(b) The Administrator may not enter into any agreement under subchapter III of this chapter or make any grant under subchapter IV of this chapter without prior consultation with an Advisory Subcommittee on Programs for Assistance for Health Manpower Education and Training, which the Administrator is hereby authorized to establish, of the Special Medical Advisory Group established under section 4112 of this title. The Assistant Chief Medical Director for Research and Education in Medicine shall be an ex officio member of such subcommittee.

"(c) The Administrator shall ensure that qualified persons who have been separated or discharged from the active military, naval or air service shall be given priority for admission to health manpower education and training programs assisted under this chapter or any other provision of this title and that among such qualified persons those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Veterans' Administration or whose discharge or release was for a disability incurred or aggravated in line of duty shall be given the highest priority.

"(d) The Administrator, after consultation with the advisory subcommittee referred to in subsection (b) of this section, shall prescribe regulations covering the terms and conditions for entering into agreements under subchapter III and making grants under sub-chapter IV of this chapter.

"Subchapter II—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL, EDUCATION AND TRAINING CAPACITY

"§ 5064. Expenditures to remodel and make special allocations to Veterans' Administration hospitals for health manpower education and training

"Out of funds appropriated to the Veterans' Administration pursuant to the authorization in section 5062 of this title, the Administrator may expend such sums as he deems necessary, not to exceed 30 per centum thereof, for (A) the necessary extension, expansion, alternation, improvement, remodeling, or repair of Veterans' Administration buildings and structures (including provision of initial equipment, replacement of obsolete or worn-out equipment, and, where necessary, addition of classrooms, lecture facilities, laboratories, and other teaching space, facilities, aids, and beds) to the extent necessary to make them suitable for use for health manpower education and training in order to carry out the purpose set forth in section 4101(b), and (B) special allocations (including trainee stipends and instruction salaries) to Veterans' Administration hospitals for the development or initiation of improved methods of education and training which may include the development or initiation of plans which reduce the period of required education and training for health personnel but which do not adversely affect the quality of such education or training.

"Subchapter III PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW PUBLIC NONPROFIT MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND AREA HEALTH EDUCTION CENTERS

"§ 5065. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator, in consultation with the Secretary of Health, Education, and Welfare, to implement a pilot program under which he may provide assistance in the establishment of new public nonprofit health professions and allied health schools, and area health education centers if such schools and centers are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5066. Definitions

"For the purpose of this subchapter—

"(1) The term 'area health education center' means a public nonprofit educational facility or other public nonprofit institution affiliated with a Veterans' Administration hospital for the conduct of or the providing of guidance for education and training programs for health manpower in association with State, community, or other nonprofit colleges or universities, other hospitals and health facilities, or professional health or medical organizations in a particular geo-

graphical area to serve as an instrument of cooperation between the medical school and its education, research, and health service programs and the framework of health facilities and organizations and activities for the betterment of health in a given area.

"(2) The term 'health professionals school' includes any public nonprofit school of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry or public health which is, or there is reasonable assurance will be, accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare.

"(3) The term 'State' means the several States, the District of Columbia and the Commonwealth of Puerto Rico.

"§ 5067. Pilot program assistance

"(2) Subject to subsection (b) of this section, the Administrator, in consultation with the Secretary of Health, Education, and Welfare, may enter into an agreement to provide to any public nonprofit college or university the following assistance to enable such college or university to establish a new health professions or allied health school or an area health education center:

"(1) The leasing to the college or university for nominal or no consideration, under such terms and conditions as the Administrator deems appropriate, of such land, and such buildings and other structures (including equipment therein) under the control and jurisdiction of the Veterans' Administration as may be necessary for the establishment and operation of such school or center. Any lease made pursuant to this subchapter to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subchapter to any public non-profit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease.

"(2) The extension, alteration, improvement, remodeling, or repair of buildings and structures (including the provision of initial equipment, and replacement of obsolete or worn-out equipment) and, where necessary, the addition of hospital teaching beds provided under paragraph (1) to the extent necessary to make them suitable for use as health professions schools or area health education center facilities.

"(3) The payment of grants to reimburse the college or university in part for the cost of the salaries of the faculty of such school or center during the initial twelve-month period of operation of the school or center and the next five such twelve-month periods, but payment under this paragraph in the case of any college or university shall not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first three twelve-month periods of operation, and

"(B) 50 per centum of such cost during the second such three twelve-month periods.

"(b)(1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds that—

"(A) the college or university has declared its clear intention, and submitted to the Administrator a plan under which it agrees, to provide during the term of the agreement its share of the financial support for the proposed school or center, including full financial support for all other educational programs and facilities necessary to assure compliance with the provisions of clause (D) of this paragraph and to provide full salary support for the proposed school or center thereafter;

"(B) the overall plans for the school or center meet such professional and other standards as the Administrator deems appropriate in consultation with the Secretary of Health, Education, and Welfare as to the education and training programs and include significant programs for (i) cooperative interdisciplinary training among health professions and allied health schools with emphasis on the use of the team approach in providing health services, (ii) training for new roles, types, or levels of health manpower, including training of physicians', dentists', or other health professions' assistants and of nurse practitioners, providing the fullest opportunities for career advancement and mobility, or (iii) recruiting, enrolling, and retraining qualified individuals who due to socioeconomic factors are financially or educationally disadvantaged;

"(C) the school or center will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as well be mutually beneficial in the carrying out of the mission of the medical facility and the school or center; and

"(D) with regard to health professions and allied health schools, after consultation with the appropriate accreditation body or bodies approved for such purpose by the Commissioner of Education of the Department of Health, Education, and Welfare, there is reasonable assurance that, with the aid of an agreement under subsection (a) of this section, such school will meet the accreditation standards of such body or bodies within a reasonable time.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsections (a)(1) and (b)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"(c) The Administrator shall not use the authority under this subchapter to assist in the establishment of more than ten new public nonprofit health professions and allied health schools and area health education centers. Schools and centers established with assistance under this subchapter shall be located in geographically dispersed areas of the United States.

"Subchapter IV—ASSISTANCE TO AFFILIATED MEDICAL, HEALTH PROFESSIONS, AND ALLIED HEALTH SCHOOLS AND OTHER HEALTH MANPOWER TRAINING INSTITUTIONS, AND AREA HEALTH EDUCATION CENTERS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator, in consultation with the Secretary of Health, Education, and Welfare, to carry out a program of grants for eligible health manpower training institutions and area health education centers which maintain affiliations with the Veterans' Administration in order to assist such institutions or centers to expand and improve their capacities to train health manpower.

"§ 5072. Definitions

"For the purpose of this subchapter, the term 'eligible institution' means any public or private nonprofit—

"(1) health professions school of the type defined in section 5066(b) of this title,

(2) area health education center of the type defined in section 5066(a) of this title, or

"(3) institution for the training or education of allied health or other health personnel,

which maintains an affiliation with the Veterans' Administration.

"§ 5073. Grants

"(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration hospital with which it is affiliated, projects and programs for the expansion and improvement of such institution's capacity to train health manpower. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate. Grants under this subchapter which provide for the construction of facilities may include only the extension, expansion, alteration, improvement, remodeling or repair of existing structures (including provision of initial equipment and replacement of obsolete or worn-out equipment).

"(b) An application for a grant under this section may be approved by the Administrator, in consultation with the Secretary of Health, Education, and Welfare, only upon the Administrator's finding that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution, and will result in a substantial increase in the number of students trained at such institution, or;

"(2) there is reasonable assurance from a recognized accrediting body or bodies approved for such purposes by the Commissioner of Education of the Department of Health, Education, and Welfare that the increase in the number of students will not threaten any existing accreditation or otherwise compromise the quality of the training at that institution;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter;

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his function under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports; and

"(5) the application sets forth significant programs for the education and training of physicians', dentists', and other health professions' assistants, nurse practitioners, and other new types of health personnel, providing the fullest opportunities for career advancement and mobility."

"§ 5074. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, and in advance or by way of reimbursement in installments, and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine."

(b) The table of parts and chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part IV of such title are each amended by adding

"82. Utilization of Veterans' Administration Hospitals to improve and Expand Education and Training of Health Manpower ..... 5060"

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply ..... 5001".

SEC. 6. During the two-year period immediately following the date of the enactment of this Act, no part of any real property which is under the jurisdiction of the Administrator of Veterans' Affairs on the date of the enactment of this Act shall be determined to be excess to the needs of the Vet-

erans' Administration or transferred or otherwise disposed of pursuant to any provision of the Federal Property and Administrative Services Act of 1949.

## ADDITIONAL COSPONSOR OF A BILL

S. 1872

At the request of Mr. CASE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1872, a bill for the relief of Soviet Jews.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, the Senate has been awaiting action by the other body on the conference report on the bill making appropriations for the Treasury and Post Office Department.

Indications are that it may be an hour and a half, before the House of Representatives acts on the conference report. Due to the fact that the distinguished Chairman of the Committee on Appropriations of the Senate (Mr. ELLENDER) wants the Senate to act on the conference report today, the Senate has been awaiting the action of the other body, and in view of the circumstances which I have just related, I move that the Senate stand in recess until 7:30 p.m. today.

The motion was agreed to; and (at 5 o'clock and 45 minutes p.m.) the senate took a recess until 7:30 p.m.

The Senate reconvened when called to order by the Presiding Officer (Mr. ALLEN).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the resolution (H. Con. Res. 351) entitled "Concurrent resolution providing for the adjournment of the Congress from July 1, 1971, until July 6, 1971."

The message also announced that the House has agreed to the amendments of the Senate to the resolution (H.J. Res. 742) entitled "Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes."

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9271) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the House has receded from its disagreement to the amendments of the Senate numbered 6, 14, and 22 to the bill, and concurred therein.

## ENROLLED BILLS SIGNED

The message further announced that the Speaker has affixed his signature to the following enrolled bills and joint resolution:

S. 1700. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap.

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad.

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate of excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes.

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

H.J. Res. 742. Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

## NEW OMNIBUS BILL ON NARCOTIC DRUGS

Mr. JAVITS. Mr. President, I have the great pleasure of joining with Senator HUGHES in introducing legislation with respect to establishing a new Federal mechanism for dealing with the totality of the narcotics abuse epidemic which afflicts our Nation today. In this bill we have attempted to consolidate into one bill the best and most innovative proposals that have been presented to deal with the drug problem. It combines the essential elements of President Nixon's emergency program, together with provisions of other bills, including S. 1835, the Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act which Senator HUGHES and I introduced this year.

As Senator from New York, I have a deep concern about the narcotics problem. While my State has about 10 percent of the population of this country, it is estimated to have half the Nation's heroin addicts. Indeed, my experiences in New York City this past week have reaffirmed my belief that immediate action must be taken at the Federal level.

In essence this bill provides:

An Office of Drug Abuse Prevention and Treatment in the Office of the President to coordinate the total Federal efforts in the drug abuse area, including the efforts of Government agencies not covered by the President's own proposal. The director of the new office would have policy controls over all drug programs, but would not administer those programs directly;

An annual report by the Director of the new Presidential Office which will contain a comprehensive Federal plan for utilizing all available prevention and treatment resources to combat the drug problem; describe existing model and experimental methods of treatment and rehabilitation implementation, and make recommendations for community implementation.

A National Institute on Drug Abuse and Drug Dependence, in the Department of Health, Education, and Welfare, to coordinate that agency's programs in the drug abuse and drug dependence area.

A new grant program for assistance to State and local communities in the prevention and treatment area:

First. A 3-year $100 million emergency supplemental State assistance program for emergency supplemental funding to States to provide more effective prevention, treatment, and rehabilitation programs;

Second. A 3-year $180 million model and experimental prevention, treatment, and research program, to conduct, and evaluate prevention and treatment programs; finance community-based programs providing a broad range of services; and conduct a special emphasis research program for chemical substances or techniques in the prevention and treatment of drug abuse and drug dependence; and

Third. An expanded community mental health centers drug treatment and rehabilitation program.

Treatment and other related rights for veterans by requiring the Veterans' Administration to provide treatment and rehabilitation services to all veterans for drug abuse and drug dependence, and further require veterans discharged under conditions other than honorable as a result of drug abuse or drug dependence and successfully rehabilitated, be allowed to obtain a discharge of honorable character.

That the U.S. Civil Service Commission establish drug abuse and drug dependence prevention, treatment, and rehabilitation programs for Federal civilian employees.

An independent national advisory council on drug abuse and drug dependence, to insure outside evaluation of Federal efforts in this area.

This legislation will provide an essential comprehensive framework to meet the narcotics plague which ravages our Nation.

## SUPREME COURT DECISION ON PRESS FREEDOM

Mr. JAVITS. Mr. President, today's Supreme Court decision is an historic reaffirmation of freedom of the press. The Court did not free the press of all restraint; rather, it placed the burden on the Government of proving such grave danger to the national interest as to warrant prior restraint, which was not proved in this case.

Thus, this decision reaffirms the good judgment and high patriotic sense of the New York Times and the Washington Post in disclosing details of the Pentagon study of the Vietnam war. These disclosures are very much in the public interest because only a well-informed people will keep our free institutions strong and hopefully will help us to avoid repetition of such tragic errors as Vietnam.

I ask unanimous consent to have printed in the RECORD two editorials on the subject.

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

CENSORSHIP

(WCBS Newsradio Editorial)

Further court tests lie ahead for the Government's attempts to exert censorship of the press.

The Attorney General has challenged the right of several newspapers to publish excerpts from a classified Pentagon analysis of United States involvement in Vietnam—from its beginnings.

In the case of the *New York Times*, Judge Murray Gurfein's ruling—lucid and refreshingly free of legalistic jargon—penetrated to the heart of the matter. He grappled with the massive and overriding issue: The conflict between an Administration's wish to shield Government error from public scrutiny. And Constitutional protection of the public's right to know.

Judge Gurfein, a Nixon appointee, weighed the two demands. He examined carefully the Government's secret testimony in support of its argument that publication of the Johnson Administration papers posed a vital threat to national security.

Judge Gurfein concluded that the Government had failed to make its case. As he saw it:

"The security of the nation is not at the ramparts alone. Security also lies in the value of our free institutions."

Judge Gurfein continued:

"These are troubled times. There is no greater safety valve for discontent and cynicism about the affairs of Government than freedom of expression in any form."

This Pentagon study is a doleful narrative of duplicity.

It provides further documentation of a point we have stressed repeatedly:

There has been a lack of candor by successive Administrations on Vietnam policy. It is this, rather than the embarrassing vigilance of the news media, which is eroding the public's confidence in their Government.

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CENSORSHIP—II

(WCBS Newsradio Editorial)

Does an Administration—any Administration—have the right to withhold from Congress or the public any document it chooses?

Should any Federal agency have the power to suppress information—without having to prove a grave threat to national security?

Who are the Government officials who make these judgments and how do they arrive at them?

These are questions that concern the housewife in Hackensack and the salesman in Queens. They go far beyond the current dispute between the press and the Nixon Administration concerning publication of the Pentagon papers on Vietnam.

The people's right to be informed—adequately and truthfully—on Government policy is protected by the Constitution. But does this protection of the free flow of news have equal meaning today? The courts will decide this larger question.

In the meantime, leading figures involved in recent years at the top level of decision-making believe the time has come to reassess the Government's classification system.

Theodore Sorensen, who was special counsel to President Kennedy, has commented on "the rather arbitrary and loose way" in which Government documents are classified as secret "without serious consideration of the right to know of the public or Congress."

James Hagerty, President Eisenhower's press secretary, believes the question of classification must be attacked "intelligently, with candor and sensitivity".

And consider a charge in 1951 by then-Senator Richard Nixon that the Truman Administration was holding back classified documents on the Korean war. Mr. Nixon said then:

"The new test for classifying secret documents now seems to be not whether the publication of a document would affect the security of the nation but whether it would affect the political security of the Administration."

The way the question is ultimately settled has vital implications for us all.

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## VISAS FOR SOVIET JEWS

Mr. JAVITS. Mr. President, I have today joined as a cosponsor of S. 1872, a bill introduced by Senator CASE of New Jersey, to amend the Immigration and Nationality Act so as to provide 30,000 refugee visas to Soviet Jews wishing to come to this country. Similar legislation has been introduced in the House by Congressman KOCH of New York.

While it is not expected at this time that such a large number of Soviet Jews will either receive exit permits from the Soviet Union or choose to come to this country instead of Israel, it is the intention of the sponsors of this bill to remove all doubt and all possible impediments to a fair share coming here. Present law limits the number of political refugees who can be admitted from the Soviet bloc annually to 10,200, and we want to make it perfectly clear that we can and will admit more as necessary.

It should also be pointed out that even in the absence of this legislation, the Attorney General has the discretion, under section 212(d)(5) of the act to parole into this country an unlimited number of political refugees. Indeed, prior to the passage of the 1965 act which first established quotas for refugees, section 212(d)(5) was used to admit tens of thousands of refugees particularly Hungarians and Chinese. Since 1965 it has been used to admit large numbers of Cubans and Czechs. I have no doubt that should an emergency arise before this act can be passed, the Attorney General would use his power of parole for the benefit of Soviet Jews. But because I believe that the intention of Congress should be made clear and a certain and orderly means of issuing visas provided, I urge passage of this bill.

The Soviets are denying to their citizens of Jewish faith fundamental religious and cultural rights which are guaranteed them by Soviet law itself. Therefore, if the Soviet Union will not permit its Jewish citizens to enjoy even these religious and cultural rights guaranteed them by Soviet law or those human rights guaranteed by the U.N. charter, human decency demands that they be permitted to go and live elsewhere in freedom.

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

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## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1972 CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

(The conference report is printed in House proceedings of today.)

Mr. ELLENDER. Mr. President, I regret that the Senator from New Mexico (Mr. MONTOYA), who is the chairman of the Treasury, Postal Service, and General Government appropriations subcommittee and handled this bill, had to leave for New Mexico. As chairman of the full committee, I agreed to handle the report for him.

I wish to pay my compliments to him for having held hearings on this bill, so that we were able to have it enacted and, I hope, sent to the White House tonight before midnight.

The bill as it passed the Senate recommended appropriations in the amount of $4,752,789,690, which was $265,113,500 over the bill as it passed the House of Representatives, but $56,426,310 under the budget estimates submitted for fiscal year 1972.

The amount of the bill as agreed to by the conferees is $4,528,986,690. This is $41,310,500 over the House-passed bill, $223,803,000 under the Senate version of the bill, and $280,229,310 under the budget estimates.

Under title I, Treasury Department, the conferees agreed to the figure of $11,640,000 for the Office of the Secretary, which was the amount approved in the Senate-passed bill.

For the Bureau of Customs, $189 million was agreed to, as recommended by the Senate.

With respect to the "Construction of Mint Facilities" item, the conferees agreed to $1,500,000, to remain available until expended. This sum is for site acquisition for a new Mint at Denver.

For the Bureau of Public Debt, the conferees agreed to a figure of $77,490,000 for fiscal year 1972. This amount is $1,750,000 under the Senate allowance but $1,500,000 over the House appropriation. While the full amount was not allowed to merge the Chicago and Parkersburg, W. Va., field offices at Parkersburg, W. Va., the conferees feel that the amount allowed will permit the Bureau to proceed in an orderly fashion but at a less accelerated pace than had been anticipated.

For compliance activities of the Internal Revenue Service, the conferees allowed the sum of $792,500,000, an increase of $12,500,000 over the House allowance. The increase agreed to by the conferees includes $7.5 million to be used in connection with the crash drug control program as contained in House Document No. 92–133, and $5 million for regular activities under this head.

For the U.S. Postal Service, title II of

the bill, a figure of $1,217,522,000 was agreed to by the conferees. This is the same amount as approved by the House, $216,400,000 under the Senate recommendation, and $254,200,000 under the amount requested in the 1972 budget.

Under title III, Executive Office of the President, three items were in conference.

For the National Security Council, salaries and expenses, the House figure of $2,424,000 prevailed.

For the Office of Management and Budget, the conference agreement was $19,250,000—a reduction of $250,000 below the Senate bill, but an increase of $250,000 over the House-passed bill.

The third item in conference under this title was the Special Action Office for Drug Abuse Prevention. The Senate has included $3 million in the bill, as per House Document No. 92–133, for the activities of this Office, which was the amount of the budget estimate, this item was not considered by the House. However, the conferees agreed to the $3 million figure. This Office has just been established for the purpose of coordinating the work of all agencies involved in the fight against illegal entry and use of dangerous drugs and narcotics in this country.

With respect to the General Services Administration, under title IV, three items were in conference.

One, "Construction, public buildings projects"—the Senate bill carried a total of $200,440, 000, compared with the House bill total of $195,919,000. The conferees agreed to $200,440,000, which will fund the projects added by the House and Senate—namely, at Oxford, Miss.; Mobile, Ala.; Fayetteville, Ark.; and Elkins, W. Va.—in addition to those contained in the budget.

The second item, "Sites and expenses, public buildings projects," carried a figure of $17,749,500 in the Senate version of the bill, while the House had approved $15,050,000. The conferees accepted the Senate figure and this is the amount provided in the conference agreement. In addition to the projects listed in the budget, the sum agreed to will permit the acquisition of sites for Federal projects in Las Cruces, N. Mex., and New Orleans, La., as well as cover management and inspection expenses.

For "Expenses, U.S. court facilities," the Senate bill reduced the House allowance of $2,780,000 by $97,000, for a Senate total of $2,683,000. In the conference, the sum approved by the House, $2,780,-000, was agreed to.

That concludes my summary of the conference agreement, Mr. President, and I will be pleased to answer any questions any Member may have.

If there be no questions, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$77,490,000".

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$792,500,000".

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$19,250,000".

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 7, 10, and 13.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the requirement that the conference report on the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year 1972 be printed as a Senate report be waived, inasmuch as under the Rules of the House of Representatives it will be printed as a report of the House of Representatives. The reports are identical.

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

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table comparing the conference agreements with the amounts for fiscal year 1971, the budget estimates for fiscal year 1972, and the amounts recommended in the House and Senate versions of the bill.

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT BILL, 1972

TITLE I—TREASURY DEPARTMENT

| | Appropriations, fiscal year 1971 | Budget estimate, fiscal year 1972 | Passed House | Passed Senate | Conference action | Conference action compared with— Conference appropriations, fiscal year 1971 | Budget estimates, fiscal year 1972 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| Office of the Secretary | $10,310,000 | $11,736,000 | $11,300,000 | $11,640,000 | $11,640,000 | +$1,330,000 | −$96,000 | +$340,000 | |
| Federal law enforcement training center: | | | | | | | | | |
| Salaries and expenses | 1,122,000 | 1,545,000 | 1,500,000 | 1,500,000 | 1,500,000 | +378,000 | −45,000 | | |
| Construction | 5,000,000 | 36,477,000 | 21,000,000 | 21,000,000 | 21,000,000 | +16,000,000 | −15,477,000 | | |
| Bureau of Accounts: | | | | | | | | | |
| Salaries and expenses | 51,740,000 | 50,685,000 | 50,685,000 | 50,685,000 | 50,685,000 | −1,055,000 | | | |
| Government losses in shipment | 400,000 | 700,000 | 700,000 | 700,000 | 700,000 | +300,000 | | | |
| Bureau of Customs | 148,000,000 | 192,535,000 | 174,000,000 | 189,000,000 | 189,000,000 | +41,000,000 | −3,535,000 | +15,000,000 | |
| Bureau of Engraving and Printing fund | | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | +3,000,000 | | | |
| Bureau of the Mint: | | | | | | | | | |
| Salaries and expenses | 20,300,000 | 26,167,000 | 25,000,000 | 25,000,000 | 25,000,000 | +4,700,000 | −1,167,000 | | |
| Construction | | 1,500,000 | | 1,500,000 | 1,500,000 | +1,500,000 | | +1,500,000 | |
| Bureau of the Public Debt | 69,367,000 | 79,240,000 | 75,990,000 | 79,240,000 | 77,490,000 | +8,123,000 | −1,750,000 | +1,500,000 | −1,750,000 |
| Internal Revenue Service: | | | | | | | | | |
| Salaries and expenses | 28,096,000 | 32,010,000 | 32,010,000 | 32,010,000 | 32,010,000 | +3,914,000 | | | |
| Revenue accounting and processing | 238,318,000 | 282,438,000 | 281,000,000 | 281,000,000 | 281,000,000 | +42,682,000 | −1,438,000 | | |
| Compliance | 712,026,000 | 808,511,000 | 780,000,000 | 797,500,000 | 792,500,000 | +80,474,000 | −16,011,000 | +12,500,000 | −5,000,000 |
| Total, Internal Revenue Service | 978,440,000 | 1,122,959,000 | 1,093,010,000 | 1,110,510,000 | 1,105,510,000 | +127,070,000 | −17,449,000 | +12,500,000 | −5,000,000 |
| Office of the Treasurer | 8,780,000 | 9,805,000 | 9,805,000 | 9,805,000 | 9,805,000 | +1,025,000 | | | |
| U.S. Secret Service | 45,200,000 | 58,070,000 | 57,500,000 | 57,500,000 | 57,500,000 | +12,300,000 | −570,000 | | |
| Total, title I, Treasury Department | 1,338,659,000 | 1,594,419,000 | 1,523,490,000 | 1,561,080,000 | 1,554,330,000 | +215,671,000 | −40,089,000 | +30,840,000 | −6,750,000 |

TITLE II.—U.S. POSTAL SERVICE

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Payment to the Postal Service fund | 2,593,728,000 | 1,471,722,000 | 1,217,552,000 | 1,433,922,000 | 1,217,522,000 | −1,376,206,000 | −254,200,000 | | −216,400,000 |

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Compensation of the President | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | | | | |
| Council of Economic Advisers | 1,233,000 | 2,134,000 | 2,100,000 | 2,100,000 | 2,100,000 | +867,000 | 34,000 | | |
| Disaster relief | 90,000,000 | 85,000,000 | 85,000,000 | 85,000,000 | 85,000,000 | −5,000,000 | | | |

TITLE I—TREASURY DEPARTMENT—Continued

| | Appropriations, fiscal year 1971 | Budget estimate, fiscal year 1972 | Passed House | Passed Senate | Conference action | Conference action compared with— Conference appropriations, fiscal year 1971 | Budget estimates, fiscal year 1972 | House | Senate |
|---|---|---|---|---|---|---|---|---|---|
| Domestic Council | $960,000 | $1,898,000 | $1,898,000 | $1,898,000 | $1,898,000 | $+938,000 | | | |
| Emergency fund for the President | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | | | | |
| Expenses of management improvement | 350,000 | 550,000 | 400,000 | 400,000 | 400,000 | +50,000 | −$150,000 | | |
| National Security Council | 2,182,000 | 2,424,000 | 2,424,000 | 2,924,000 | 2,424,000 | +242,000 | | | −$500,000 |
| Office of Emergency Preparedness: | | | | | | | | | |
| Salaries and expenses | 6,019,000 | 6,288,000 | 6,288,000 | 6,288,000 | 6,288,000 | +269,000 | | | |
| Defense mobilization functions | 3,360,000 | 3,314,000 | 3,314,000 | 3,314,000 | 3,314,000 | −46,000 | | | |
| Office of Intergovernmental Relations | 300,000 | 311,000 | 311,000 | 311,000 | 311,000 | +11,000 | | | |
| Office of Management and Budget | 14,900,000 | 19,792,000 | 19,000,000 | 19,500,000 | 19,250,000 | +4,350,000 | −542,000 | $+250,000 | −250,000 |
| Office of Telecommunications Policy | 2,033,000 | 2,702,000 | 2,600,000 | 2,600,000 | 2,660,000 | +567,000 | −102,000 | | |
| President's Advisory Council on Executive Organization | 505,000 | | | | | −505,000 | | | |
| Protection of visiting foreign dignitaries | 1,650,000 | | | | | −1,650,000 | | | |
| Executive residence | 1,154,000 | 1,245,000 | 1,245,000 | 1,245,000 | 1,245,000 | +91,000 | | | |
| Special Action Office for Drug Abuse Prevention | | 3,000,000 | | 3,000,000 | 3,000,000 | +3,000,000 | | +3,000,000 | |
| Special assistance to the President | 700,000 | 735,000 | 735,000 | 735,000 | 735,000 | +35,000 | | | |
| Special projects | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 | | | | |
| The White House Office | 8,899,000 | 9,342,000 | 9,342,000 | 9,342,000 | 9,342,000 | +443,000 | | | |
| Total, title III, Executive Office of the President | 136,995,000 | 141,485,000 | 137,407,000 | 141,407,000 | 140,657,000 | +3,662,000 | −828,000 | +3,250,000 | −750,000 |
| **TITLE IV—INDEPENDENT AGENCIES** | | | | | | | | | |
| Administrative Conference of the United States | 380,000 | 408,000 | 408,000 | 408,000 | 408,000 | +28,000 | | | |
| Advisory Commission on Intergovernmental Relations | 664,000 | 718,000 | 718,000 | 718,000 | 718,000 | +54,000 | | | |
| Civil Service Commission: | | | | | | | | | |
| Salaries and expenses | 50,858,000 | 59,936,000 | 59,000,000 | 59,000,000 | 59,000,000 | +8,142,000 | −936,000 | | |
| Annuities under special acts | 1,180,000 | 1,161,000 | 1,161,000 | 1,161,000 | 1,161,000 | −19,000 | | | |
| Government payment for annuitants, employees health benefits | 70,405,000 | 109,568,000 | 109,568,000 | 109,568,000 | 109,568,000 | +39,163,000 | | | |
| Payment to civil service retirement and disability fund | 495,657,600 | 436,870,000 | 436,870,000 | 436,870,000 | 436,870,000 | −58,787,600 | | | |
| Federal Labor Relations Council, salaries and expenses | 700,000 | 731,000 | 731,000 | 731,000 | 731,000 | +31,000 | | | |
| Intergovernmental personnel assistance | | 12,500,000 | 12,500,000 | 12,500,000 | 12,500,000 | +12,500,000 | | | |
| Revolving fund | | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | +1,000,000 | | | |
| Total, Civil Service Commission | 618,800,600 | 621,766,000 | 620,830,000 | 620,830,000 | 620,830,000 | +2,029,400 | −936,000 | | |
| Commission on Government Procurement | 2,100,000 | 2,800,000 | 2,800,000 | 2,800,000 | 2,800,000 | +700,000 | | | |
| General Services Administration: | | | | | | | | | |
| Public Buildings Service: | | | | | | | | | |
| Operating expenses | 358,950,000 | 407,734,000 | 406,000,000 | 406,000,000 | 406,000,000 | +47,050,000 | −1,734,000 | | |
| Repair and improvement of public buildings | 83,280,000 | 92,900,000 | 92,000,000 | 92,000,000 | 92,000,000 | +8,720,000 | −900,000 | | |
| Construction, public buildings projects | 133,560,300 | 183,832,000 | 195,919,000 | 200,440,000 | 200,440,000 | +66,879,700 | +16,608,000 | +4,521,000 | |
| Sites and expenses, public buildings projects | 20,661,000 | 15,050,000 | 15,050,000 | 17,749,500 | 17,749,500 | −2,911,500 | +2,699,500 | +2,699,500 | |
| Payments public buildings purchase contracts | 2,400,000 | 2,400,000 | 2,400,000 | 2,400,000 | 2,400,000 | | | | |
| Expenses, U.S. court facilities | 1,000,000 | 2,780,000 | 2,780,000 | 2,683,000 | 2,780,000 | +1,780,000 | | | +97,000 |
| Additional court facilities | 19,150,000 | | | | | −19,150,000 | | | |
| Federal Supply Service: | | | | | | | | | |
| Operating expenses | 88,252,000 | 89,487,000 | 89,000,000 | 89,000,000 | 89,000,000 | +784,000 | −487,000 | | |
| Automatic data processing fund | 20,000,000 | | | | | −20,000,000 | | | |
| National Archives and Records Service: | | | | | | | | | |
| Operating expenses | 26,362,000 | 29,246,000 | 29,246,000 | 29,246,000 | 29,246,000 | +2,884,000 | | | |
| National historical publications grants | 350,000 | | | | | −350,000 | | | |
| Transportation and Communications Service: Operating expenses | 7,023,000 | 7,494,000 | 7,494,000 | 7,494,000 | 7,494,000 | +471,000 | | | |
| Property Management and Disposal Service: Operating expenses | 32,478,000 | 38,446,000 | 37,696,000 | 37,696,000 | 37,696,000 | +5,218,000 | −750,000 | | |
| Office of Administrator: Salaries and expenses | 1,309,000 | 1,368,000 | 1,368,000 | 1,368,000 | 1,368,000 | +59,000 | | | |
| Allowances and office staff for former Presidents | 343,000 | 418,000 | 418,000 | 418,000 | 418,000 | +75,000 | | | |
| Total, General Services Administration | 795,118,300 | 871,155,000 | 879,371,000 | 886,494,500 | 886,591,500 | +91,473,200 | +15,436,500 | +7,220,500 | +97,000 |
| U.S. Tax Court: | | | | | | | | | |
| Salaries and expenses | 3,438,000 | 3,525,000 | 3,525,000 | 3,525,000 | 3,525,000 | +87,000 | | | |
| Construction | | 18,712,000 | 18,712,000 | 18,712,000 | 18,712,000 | +18,721,000 | | | |
| Department of Defense: | | | | | | | | | |
| Civil Defense: | | | | | | | | | |
| Operation and maintenance | 51,050,000 | 55,103,000 | 55,103,000 | 55,103,000 | 55,103,000 | +4,053,000 | | | |
| Research, shelter survey and marking | 22,000,000 | 23,200,000 | 23,200,000 | 23,200,000 | 23,200,000 | +1,200,000 | | | |
| Construction of facilities, civil defense | 496,000 | | | | | −496,000 | | | |
| Total Civil Defense | 73,546,000 | 78,303,000 | 78,303,000 | 78,303,000 | 78,303,000 | +4,757,000 | | | |
| Department of Health, Education and Welfare: Emergency health | 4,030,000 | 4,203,000 | 4,203,000 | 4,203,000 | 4,203,000 | +173,000 | | | |
| Total, title IV, independent agencies | 1,498,076,900 | 1,601,590,000 | 1,608,870,000 | 1,615,993,500 | 1,616,090,500 | +118,013,600 | +14,500,500 | +7,220,500 | +97,000 |
| **TITLE V—CLAIMS** | | | | | | | | | |
| Claims under Fishermen's Protective Act of 1967 | | | 387,190 | 387,190 | 387,190 | +387,190 | +387,190 | | |
| Grand total, titles I, II, III, IV, and V, new budget (obligational authority) | 5,567,458,900 | 4,809,216,000 | 4,487,676,190 | 4,752,789,690 | 4,528,986,690 | −1,038,472,210 | −280,229,310 | +41,310,500 | −223,803,000 |

Mr. COOPER. Mr. President, I congratulate Senator ALLOTT, Senator BOGGS, and Senator MONTOYA, and all the members of the committee on the fine work they have done on the Treasury, Post Office appropriation bill.

At this point, however, I would like to say that with respect to the post office reorganization program, I believe that Congress made a mistake with respect to the selection of postmasters in communities with population less than 50,000, and rural route carriers.

I spoke and voted against removing the recommendation of nominees for these positions generally, and I believe more strongly than ever, that Members of the Congress have better information concerning the qualifications for these positions than the remote committees that have been established under the reorganization plan to make these choices.

Postmasters in small communities from 50,000 population down and rural route carriers are the most intimate representatives of the U.S. people.

We know our States, our districts, our people, and we did make better choices, than committees who do not know the characteristics of the people they serve.

It is a human, responsive quality that is needed, as well as competing, which, of course, is preeminent if the Government is to be close to the people.

I am glad that I advocated this viewpoint, when the reorganization bill was before us.

## AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that from the time of the adjournment of the Senate today until 3 p.m. tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

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

## AUTHORITY FOR THE PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that from the time of the adjournment of the Senate today until 3 p.m. tomorrow, the President pro tempore be authorized to sign duly enrolled bills and resolutions.

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

## ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, JULY 6, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the recognition of the majority and minority leaders under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

## ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, JULY 7, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that on Wednesday next, immediately following the recognition of the Senators under the order previously entered, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

## AUTHORITY FOR COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. I ask unanimous consent that all committees be authorized to file reports until 3 p.m. tomorrow.

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

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## ORDER FOR ADJOURNMENT FROM TUESDAY, JULY 6, 1971, UNTIL JULY 7, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business on Tuesday, July 6, 1971, it stand in adjournment until 12 o'clock noon on Wednesday, July 7.

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

Mr. BYRD of West Virginia. Does the distinguished senior Senator from Kentucky wish to be recognized at this time?

Mr. COOPER. No.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Tuesday and Wednesday next, as well as it can be determined at the moment, is as follows:

On Tuesday next, the Senate will convene at 12 o'clock noon.

Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

As the majority leader has indicated, the Senate is expected to consider unobjected-to items on the Consent Calendar on Tuesday next, together with any bills and resolutions which may have been reported by committees during the holiday, and there may be conference reports to be considered on Tuesday.

As of now, it appears that there will be no rollcall votes on Tuesday next, but there is always the possibility of such, and Senators will so understand.

As far as Wednesday is concerned, the Senate will convene at 12 o'clock noon. Of course, that convening order is subject to change. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized in the order stated, each for not to exceed 15 minutes: Messrs. TALMADGE, AIKEN, HUMPHREY, and YOUNG.

Immediately following the recognition of Senator YOUNG and the completion of his remarks on Wednesday next, the Senate will proceed to the consideration of routine morning business for a period not to exceed 30 minutes, with statements therein limited to 3 minutes.

Under the previous order, on Wednesday next at 3 p.m., the Senate will proceed to the consideration of what is now the pending business, Calendar No. 239, S. 1828, a bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer.

Under the agreement, there will be 3 hours of debate on S. 1828, with 1 hour on each amendment thereto and 20 minutes on any amendment to an amendment. The yeas and nays have been ordered on passage of S. 1828, so Senators are on notice that there will be at least one yea and nay vote on Wednesday, July 7. There could, of course, be other yea and nay votes on amendments. There may be other business on Wednesday.

## ADJOURNMENT UNTIL TUESDAY, JULY 6, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 351, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday, July 6, 1971.

The motion was agreed to; and (at 7 o'clock and 49 minutes p.m.) the Senate adjourned until Tuesday, July 6, 1971, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate June 30, 1971:

DEPARTMENT OF THE INTERIOR

Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior; new position.

U.S. NAVY

Vice Adm. Lloyd M. Mustin, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title X, United States Code, section 5233.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR PERMANENT PROMOTION

*To be medical director*

Gordon Allen
William B. Barr
Tom D. Y. Chin
Hilary H. Connor
John L. Fahey
Donald L. Fry
Murray Goldstein
Edward A. Graykowski
William D. Hawley
Felix P. Hurtado
Donald E. Kayhoe

Leonard Laster
Edward J. Leonard
Enrico A. Leopardi
William E. Newby
Michael Potter
David P. Rail
Jacob Robbins
William M. Smith
Frederick Snyder
John L. Stephenson
Richard H. Thurm
Donald L. Toker
Donald P. Tschudy
Martha Vaughan
Tamarath K. Yolles

*To be senior surgeon*

Maurice B. Burg
Jack Butler
Lawrence F. Dietlein, Jr.
Eugene J. Gangarosa
Herschel C. Gore, Jr.
Peter Gouras
Robert I. Gregerman
Andrew F. Horne
Emery A. Jordan
Michael W. Justice
William R. Martin
Peter D. Olch
Carroll B. Quinlan
Jack C. Robertson
Gordon S. Siegel
John R. Trautman
Robert W. Weiger

*To be surgeon*

T. Carey Barr, Jr.
David L. Child
Uel D. Crosby, Jr.
Lionel H. Demontigny
Ronald E. Gillilan
Charles W. Gorodetzky
David H. Groth
Douglas I. Hammer
Robert C. Hastings
Charles A. Herron
Paul V. Holland
Vilis E. Kilpe
Robert L. Krebsbach
Larry W. Lassinger
Carl R. Merril
William G. Prescott
George A. Reich
Thomas L. Robertson, Jr.
Calvin D. Sanders
Charles R. Westley
Robert E. Wills
Margaret C. Woodbury

*To be dental director*

Joseph Abramowitz
Albert C. Adams
William O. Engler

*To be senior dental surgeon*

Howell O. Archard
Edward M. Campbell
William A. Gibson
Christopher E. Kennemer
James J. Laubham. Jr.
Robert J. Lucas
James R. Nixon
Anthony A. Rizzo
Selvin Sonken
Gunnar E. Sydow
Anderson F. Williams

*To be dental surgeon*

William S. Driscoll
Robert H. Dumbaugh
John L. Elliott
Wayne A. Jenkins
Bruce E. Johnson
James P. Johnson
Edward Kuzma
Sheppard M. Levine
Gene P. Lewis
Rudolph E. Nicik
Richard W. Mittelstadt
Joseph R. O'Neil, Jr.
Lynn A. Thomson, Jr.

*To be nurse director*

Eileen M. Coviello
Florence E. Gareau
Helen M. Hanlon
E. Arline Heath
Anne J. Lello
Sara K. Marsh
Mary E. McGovern
Mary L. Mills

*To be senior nurse officer*

Margaret M. Albrecht
Dorothy C. Calafiore
Geraldine L. Ellis
Jean F. Kaplan
Betty J. Klingenhagen
Barbara T. Lanigan
Vivian R. Mercer

*To be nurse officer*

Barbara J. Bowman
Paul V. Donnelly
Christine H. Johnson

*To be sanitary engineer director*

Howard E. Ayer
Delbert S. Barth
Frank A. Bell, Jr.
Leland J. McCabe, Jr.
John H. McCutchen
William H. Magonnell
Walter F. Meyers, Jr.
James P. Sheehy
George R. Shultz

*To be senior sanitary engineer*

Ian K. Burgess
Henning M. Eklund
Robert H. Neill
Robert E. Novick
Joseph P. Schock

*To be sanitary engineer*

Donald A. Anderson
Malcolm C. Bruce
Ralph W. Buelow
George J. Butler
Elmer G. Cleveland
Richard L. Douglas
Dewayne E. Durst
Jack R. Farmer
Henry L. Fisher, Jr.
R. Frank Grossman
Richard S. Kramkowski
F. Donald Maddox
Robert G. Raymond
Paul B. Smith
Daniel A. Stock
Donald T. Wruble

*To be senior assistant sanitary engineer*

Dennis A. Degner
Thomas R. Horton

*To be scientist director*

Norman A. Clarke
Byron L. Harriman
George J. Hermann
Margaret A. Howell
George E. Jay, Jr.
James G. Murphy
Myron J. Willis

*To be senior scientist*

Donald S. Boomer
William J. Campbell
Robert J. Ellis
Vernon J. Fuller
William J. Goodwin, Jr.
Herbert F. Hasenclever
William F. Hill, Jr.
Norman A. Hilmer
Julius A. Kasel
William A. Mills
George E. Thompson
Kenneth W. Walls
Billy West

*To be scientist*

Gregory J. Barone
John J. Bartko
Laurence T. Carroll
Alfred Hellman
Frank S. Lisella
Norman L. Richards
Harold F. Stewart

*To be sanitarian director*

Warren S. Dobson
Irving H. Schlafman

*To be senior sanitarian*

Alfred Castavelez
Virgil D. Grace
Jack H. Lair
Elmer D. McGlasson
Joe L. Perrin

*To be sanitarian*

Vernon R. T. Bargman
Ralph J. Bicknell
Victor L. Casper
Kurt L. Feldmann
Douglas H. Keefer
Robert A. Marsland
James R. Reed
Johnny R. Sanders
Dale J. Vandonsel
Thomas S. Willett

*To be pharmacist director*

Adelbert E. Briggs
Felix A. Conte
Paul H. Honda
Ernest S. Lentini
Boris J. Osheroff
Lowell R. Pfau
Edward J. Vesey

*To be senior pharmacist*

James E. Bleadingheiser
Thomas D. Decillis
Richard A. Hall
Frank W. Hollister

*To be pharmacist*

Elmer W. Akin
Ray D. Crossley II
Jean P. Davignon
Lawrence E. Gustafson
Jerome A. Halperin
Donald E. Hill
Edmund F. Kropidlowski
Jon R. May
John J. Miescier
Michael J. Tuohy
Arthur C. Willman
Gary J. Wold

*To be senior assistant pharmacist*

James G. Tauer

*To be veterinary director*

Andrew C. Wheeler

*To be senior veterinary officer*

Anton M. Allen
Paul Arnstein
Denny G. Constantine
Kenneth D. Quist

*To be veterinary officer*

Ezra Berman
James A. Peters
Stephen Potkay

*To be dietitian director*

Merme Bonnell
Jean M. Pope
Charlotte E. Smith

*To be senior therapist*

John B. Allis
Dean P. Currier
James C. Hufsey
Forrest N. Johnson
Richard S. Mazzacone
Walter S. Sekiya

*To be therapist*

James D. Ebner
William W. Murray

*To be senior assistant therapist*

Gene A. Diullo
Richard I. Hetherington

*To be health services director*

Leah Bigalow
Mary P. Byrd
Mary A. Fugitt

*To be senior health services officer*

John E. Baker, Jr.
Cecilia C. Conrath
Ernest D. Ficco
Howard L. Kitchener
Peggy S. Pentz
Mary L. Skinner

*To be health services officer*

Wayne G. Brown
Robert S. Callis
Robert F. Clarke
George F. Creswell
Donald E. Gardner
Earl W. Robinson
Wilbert Shimoda
William H. Spillane
Roger W. Turenne
Charles T. Wilson

*To be senior assistant health services officer*

Joseph S. Arcarese
Steven Brecher
Kenneth R. Envall
Karen S. Gallaway
Selden C. Hall, Jr.
James W. Rolofson
Mark O. Semler
Dennis R. Shipman

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 1971:

DEPARTMENT OF DEFENSE

Carl O. Kamp, Jr., of Missouri, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1975.

DEPARTMENT OF DEFENSE

Robert F. Froehlke, of Wisconsin, to be Secretary of the Army.

IN THE AIR FORCE

The following officers to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Richard P. Klocko, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Robert H. Warren, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Vice Adm. Bernard M. Strean, U.S. Navy, and Vice Adm. Arnold F. Schade, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

DEPARTMENT OF JUSTICE

P. Ellis Almond, of North Carolina, to be U.S. Marshal for the middle district of North Carolina for the term of 4 years.

INTERSTATE COMMERCE COMMISSION

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1977.

Dale Wayne Hardin, of Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1977.

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1972.

DEPARTMENT OF TRANSPORTATION

John W. Barnum, of New York, to be General Counsel of the Department of Transportation.

IN THE AIR FORCE

The nominations beginning Warren G. Abolt, to be colonel, and ending Carol LeVann Holley, to be major, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 1971.

IN THE ARMY

The nominations beginning Russell R. Blackwell, to be first lieutenant, and ending John C. Zimmermann, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 1971.

The nominations beginning Thomas J. Collins, Jr., to be lieutenant colonel, and ending Ralph G. Synakowski, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 1971.