

## SENATE—Tuesday, February 9, 1971

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11 a.m., on the expiration of the recess, 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:

Breathe upon us, O Lord, a sense of Thy presence.

Come upon us as the God of history. Come upon us as a mighty rushing wind. Disturb our apathy. Recharge us with Thy spiritual power. Come upon us as a still small voice, whose whisper we hear amid the tumult and storms of life.

Sweep out our fears. Cleanse us of all evil. Light up the dark places. Lead us in paths of righteousness, and make us captive to Thy love. Grant to us the gentleness, kindness, tenderness, and grace which were the marks of Thy Son, in whose name we make our prayer. Amen.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to section 8002 of the Internal Revenue Code of 1954, the following members of the Committee on Ways and Means have been designated as members of the Joint Committee on Internal Revenue Taxation: Mr. MILLS, Mr. WATTS, Mr. ULLMAN, Mr. BYRNES of Wisconsin, and Mr. BETTS.

The message announced that the House had agreed to a concurrent resolution (H. Con. Res. 135) providing for an adjournment of the House from the close of business on Wednesday, February 10, 1971, until noon on Wednesday, February 17, 1971, in which it requested the concurrence of the Senate.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, February 8, 1971, be approved.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## ORDER FOR RECESS UNTIL 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. tomorrow.

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

## ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of prayer on tomorrow, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Vermont (Mr. AIKEN), who already has a 15-minute allocation of time granted to him.

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

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 3, 4, and 5.

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

## ALLIE B. VANCE

The resolution (S. Res. 47) to pay a gratuity to Allie B. Vance was considered and agreed to, as follows:

## S. RES. 47

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Allie B. Vance, widow of Joe Vance, Sr., an employee of the Senate at the time of his death, a sum equal to six and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

## PRINTING OF SENATE MANUAL

The resolution (S. Res. 48) authorizing the revision and printing of the Senate Manual for use during the 92d Congress was considered and agreed to, as follows:

## S. RES. 48

*Resolved*, That the Committee on Rules and Administration be, and it is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-second Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the Committee.

## TFX CONTRACT INVESTIGATION

The resolution (S. Res. 33) authorizing the printing of additional copies of Senate Report 91-1496, entitled "TFX Contract Investigation" was considered and agreed to, as follows:

## S. RES. 33

*Resolved*, That there be printed for the use of the Committee on Government Operations

two thousand additional copies of a report by its Permanent Subcommittee on Investigations entitled "TFX Contract Investigation" (S. Rept. 91-1496).

## CBS AND ELECTION REFORM

Mr. MANSFIELD. Mr. President, election reform has been discussed from time to time for a number of years, but I believe that we are now approaching the point where such changes in our election campaign laws will be seriously discussed and considered. Campaign expenditures are getting completely out of hand and it seems like we are campaigning all of the time.

We have major proposals being introduced in this new 92d Congress, and it is my hope that the appropriate committees will be able to address themselves to these problems at an early date.

One of the most active proponents of campaign reform is Frank Stanton, vice president of Columbia Broadcasting System, Inc. In mid-January he made available to many of us here in Congress a "Five Point Program for Election Reform." I think that this is something that would be of interest to all Members of the House and Senate.

Mr. President, I ask unanimous consent to have the five point program prepared by Frank Stanton printed at this point in the RECORD.

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

## A FIVE POINT PROGRAM FOR ELECTION REFORM

*I. Impose whatever conditions on campaign expenditures Congress deems wise and feasible.*

The responsibility for a political campaign, as to its scope, its funding and its vehicles of communication, rests in the last analysis on the candidate. It is the candidate who is required to file a report of his expenditures and a list of the contributors to his campaign. Thus if Congress in its wisdom chooses to impose conditions on campaign expenditures, the responsibility for abiding by such conditions should be placed on the candidate. To do otherwise would create an administrative nightmare.

Equally important, Congress should not attempt to prescribe how candidates will allocate their expenditures within any overall limitation. There are infinite varieties of circumstances in different states and congressional districts—differences in population, area, urban or rural character, economic factors, social and cultural habits, etc. Because of these differences, there are also wide differences in the relative emphasis to be given to various media, to achieve the most efficient and effective political communication. For example, in one district, television might be by far the most effective medium; in another, it would be highly inefficient (as in major metropolitan areas, where 80 percent of a television station's audience might reside outside a particular Congressman's district). Moreover, not only are the districts different, but the candidates are different—one candidate might feel he personally communicates his views more effectively via one mix of techniques, while another candidate

within the same district might prefer an entirely different approach.

Accordingly, Congress should not try to allocate campaign funds to any particular medium, nor ordain any fixed division of funds among different media. Rather, within a reasonable overall limitation on campaign expenditures, candidates should be entirely free to employ whatever means they believe would provide the most efficient and effective communication with the public—which is a vital public interest objective of campaign reform legislation.

II. *Require all advertising media to sell political advertising at the lowest rate available to any commercial advertiser for comparable time or space.*

The costs of political campaigns have risen steadily, in all media. While radio and television are conspicuous vehicles for the political campaigner, they are only two of the many media employed. Requiring the lowest commercial rates in all media will help control the inflationary spiral of campaign costs.

III. *Repeal the equal-time provision of the Communications Act, thereby providing opportunities for greater contribution of free time by broadcasters and deeper and more arresting treatment of the issues.*

Under Section 315, a broadcaster who provides free time for a political candidate, with the exception of regularly scheduled news broadcasts and other specifically exempted types of broadcasts, must provide equal time to other legally qualified candidates for the same office if they request it. The practical effect of the law has been to deny free broadcast time to major candidates or to force such free time to be shared with fringe candidates in defiance of the public interest.

The number of minor and fringe candidates is so great as to render almost impossible the providing of free time for major office-seekers. In the 1968 election, there were at least 26 declared candidates for the Presidency alone. Any meaningful effort to improve communications between candidates and voters, therefore, should include repeal of Section 315. At the very least this restriction should be removed from Presidential and Vice Presidential campaigns.

On this issue, Congress does not need to conjecture about the beneficial results; it has dramatic evidence. For the issue was tested in temporary suspension of Section 315 for the offices of President and Vice President in 1960, with conspicuous success. This temporary suspension enabled CBS to devote 32½ hours to personal appearances of the Presidential and Vice Presidential candidates and their supporters. (This does not count regular news broadcasts and convention coverage.) The additional time on CBS made possible by suspension of Section 315 had a value exceeding \$2 million, yet it was made available without charge to the candidates or their supporters. And of course NBC and ABC likewise donated substantial amounts of time. It is sometimes mistakenly assumed that the broadcasting industry would benefit commercially from suspension of the equal-time requirement; in fact, the industry would lose substantial revenue through the displacement of commercial programs.

Two measurements will summarize the highly beneficial impact of this suspension on the electoral process in 1960:

(1) According to reliable public-opinion polls (Elmo Roper and Associates), during the 1956 Presidential campaign those "very much interested" in the campaign remained about the same through the campaign, ranging from 46 percent in September to 47 percent in October. But in 1960, the only year with increased free time for the candidates made possible by suspension of Section 315, those "very much interested" rose from 45 percent in September to 57 percent in October.

(2) Most important, in the crucial test, 64 percent of those eligible to vote actually cast ballots in 1960. It is striking that in the year when the broadcast industry could provide such free time to candidates, this country achieved the highest percentage of voter participation in any Presidential election in the past half century.

Repeal of Section 315 as to Presidential and Vice Presidential contests has been endorsed by leaders in both political parties and by many political scientists. (See Appendix.) It would enable radio and television to convey more information, to heighten public interest and promote discussion. It would lead to more voting by a better informed electorate—the heart of all improvements in our democratic process.

#### IV. *Shorten election campaigns.*

"If long, hectic campaigns cannot be proved to be boring to the voters, we do know that they are debilitating to the candidates. It is no wonder that after an election both winner and loser often retire to recuperate." So said the Twentieth Century Fund in its *Voters' Time* report of 1969 calling for shorter election campaigns. Protracted campaigns not only dull the electorate and fatigue the candidate; they also exacerbate the most criticized aspect of American campaigns—high cost and high spending.

The Twentieth Century Fund said that nine or ten weeks of campaigning may have been necessary at one time, but no longer. "In the age of the jet plane and the handy television set, the candidate can reach the voters in a shorter time than ever before. He can spend more time thinking and less time traveling and talking."

Other students of the election process—including many candidates—have come to the same conclusion. The Committee for Economic Development, in *Financing a Better Election System* (1968), said that with present travel and communications capabilities, long campaigns "generally tire the electorate and exhaust the candidates." Shorter campaigns, the committee said, would help to "sharpen issues, intensify interest, and elevate the quality of political discussion."

Various approaches to shortening campaigns have been suggested. The Committee for Economic Development recommended scheduling all registration, primary and general election dates as close together as possible. For national elections, the committee proposed a Federal statute setting the date for national political conventions after September 1.

A similar view has been put forth by Representative John S. Monagan (D., Conn.), author of a bill providing that no Presidential nominating convention could convene earlier than 60 days before the general election.

Another approach, advanced by Professor Paul T. David, then of the Brookings Institution, would set earlier dates for the election and schedule the Presidential inauguration and convening of Congress in November, making it unnecessary to move forward filing dates and primary elections.

Still others have suggested that Congress, in exercising its authority to regulate campaign expenditures, could limit the use of campaign advertising to a period, say, six weeks before the general election and six weeks before primaries.

One relatively easy step could be to provide that lower media rates for political candidates, as proposed in Section II, should apply only within a specified period (perhaps six weeks) before the general election and the primaries. This would encourage candidates to direct their appeals to voters during this period.

This proposal could be applied promptly, while Congress studies the complexities of more sweeping alterations of the political calendar.

V. *Declare Election Day a national 24-hour holiday, with all polls closing simultaneously.*

The central act of self-government is that of the voter making his choice in the election booth. Yet the process of voting is often too difficult, vexatious, and inconvenient for the citizens. A thorough overhaul of the system is needed. Much of the work—revising registration laws, speeding up the polling process, introducing further mechanization in tabulating, and so forth—properly and necessarily must be undertaken at the local and state level.

On the other hand, Congress can take the lead in enhancing the voting process by declaring a national holiday for Federal elections and providing a full 24 hours for voters to ballot. Americans historically have not voted in anything like the proportions attained by other democratic nations (Canadian, Danish, English and Swedish voters typically turn out at about 80 percent of those eligible; Americans at a disappointing 60-64 percent rate). Americans vote in the middle of the work week, and the hours of voting haven't really changed while the population has doubled. The problem of the jammed polling place may be why some voters just don't feel that they can spare the amount of time it takes to vote.

We can provide at least nine more hours for voters—and in some places as many as 12 or even more extra hours—by a uniform 24-hour voting day, a proposal supported by the National Governors Conference (1966). Polls would close at the same time throughout the country, ending the time differential which keeps the polls open in the West when they are already closed in the East. The establishment of a national holiday also would provide a fitting expression of the importance that Congress attaches to the act of voting as a cornerstone of our democratic system.

#### APPENDIX

Following are quotations from political leaders and observers on the important benefits that candidates and the public would receive through repeal of Section 315 of the Communications Act:

"The effect of Section 315 is not that the Socialist Labor or Vegetarian candidate gets free time; rather no one gets any substantial amounts of free time for political broadcasts. Further and most important, there would appear to be little, if any, public benefit from insuring equal treatment for candidates whose public support is insignificant. . . . In 1960 the radio and television networks provided 82 hours and 36 minutes free time for political broadcasts. In 1964 and 1968, however, when the equal opportunities provision was back in effect, the networks afforded only 26 to 27 hours of free time in each election, almost all of which occurred in exempt programming. . . . In view of the benefits to the Nation from the experience gained in the 1960 suspension, the Commission believes that remedial action in this area is clearly called for." (Dean Burch, Chairman, the Federal Communications Commission, Former Republican National Committee Chairman, June 2, 1970.)

"Section 315, designed to afford an opportunity to appear on TV and radio to all candidates no matter how small their party, has had just the opposite effect. It has discouraged the networks from providing free time. . . . Repeal of Section 315 as it applies to Presidential, Senate and House elections would lead to more free time without inhibitions, thus saving candidates huge outlays for broadcasting. Minority party candidates could also be covered with due regard to their political importance. The broader 'fairness doctrine' would still prevail for candidates of all parties." (*The New York Times*, April 27, 1970.)

"Congress, therefore, should permanently suspend the equal-time requirement for

Presidential and Vice Presidential candidates in order to limit access to free television to the nominees of the major parties." (Lawrence F. O'Brien, Chairman, Democratic National Committee, in *TV Guide*, September 19, 1970.)

In answer to a question as to whether "a suspension of the equal-time requirements so as to facilitate debates between the Presidential candidates" should be included in legislation limiting political campaigns: "I personally think so, yes." (Senator Robert J. Dole, Chairman, Republican National Committee, on *Face the Nation*, January 17, 1971.)

"Congress should permit commercial broadcast concerns to schedule political programs through repeal of Section 315 of the Federal Communications Act (requiring 'equal time' on television and radio broadcasts for all candidates for the same office, however, many and however minor)." (Research and Policy Committee of the Committee for Economic Development, December 1968.)

"Section 315(a) elevates each candidate to the level of every other. Cranks and serious contenders are lumped together . . . The Commission recognizes the forces of the arguments that led Congress to adopt the equal time provision in the first place. But we must agree with those who feel that untrammelled debate lies at the heart of democracy. We therefore recommend that Congress again permit such debate for the Presidential election of 1972. Suspension of the equal time provision would permit the significant candidates for President and Vice President—if they choose—to debate face to face, live." (Voters' Time, Report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era, 1969.)

"The salient fact of the great TV debates is not what the two candidates said, nor how they behaved, but how many of the candidates' fellow Americans gave up their evening hours to ponder the choice between the two . . ." (Theodore H. White, *The Making of the President 1960*.)

" . . . This is a real service to our democratic form of government." (Richard M. Nixon, *Catholic Transcript*, Hartford, Connecticut, November 3, 1960.)

#### ORDER OF BUSINESS

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

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

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

Under the previous order, the distinguished Senator from Tennessee (Mr. BAKER) is now recognized for 30 minutes.

#### S. 680—INTRODUCTION OF THE GENERAL REVENUE SHARING ACT OF 1971

Mr. BAKER. Mr. President, on behalf of myself and Senators ALLEN, ALLOTT, BEALL, BELLMON, BENNETT, BOGGS, BROCK, CASE, COOK, COOPER, COTTON, DOLE, DOMINICK, ERVIN, FANNIN, GOLDWATER, GRIFFIN, GURNEY, HANSEN, HOLLINGS, HRUSKA, JAVITS, MATHIAS, PACKWOOD, PEARSON, PERCY, PROUTY, ROTH, SAXBE, SCHWEIKER, SCOTT, SPARKMAN, TAFT, THURMOND, TOWER, and WEICKER, I send to the desk a bill to restore balance in

the federal system of government in the United States, and for other purposes, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. BAKER. Mr. President, I also ask unanimous consent that the text of the bill, a section-by-section analysis of the bill, and the text of the President's February 4 message on revenue sharing be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BAKER. Mr. President, the bill that I have introduced today on behalf of myself and 37 of our colleagues embodies the general-purpose revenue sharing proposal of the Nixon administration. Although allied in purpose and in governmental philosophy, this bill should not be confused with the President's proposal for so-called special-purpose revenue sharing, which will be sent up later in the year in six separate legislative proposals. Today's bill represents only general-purpose revenue sharing with State and local units of government.

The President, in his message on the state of the Union, and in his subsequent message on revenue sharing of February 4, has made, in my judgment, a clear and compelling case for the general proposition of sharing revenues with the States. Although a degree of immediate fiscal relief for State and local governments is perhaps the most superficially attractive element of general-purpose revenue sharing, the implications of the proposal go much deeper—they go to the nature and health of our Federal democracy. Since the adoption of the 16th amendment, which empowered the Federal Government to levy a graduated tax on personal income, and since the massive infusion of Government activity that was necessary to cope with the Great Depression, power has flowed steadily away from State and local governments and toward the Central Government in Washington.

The time has come to alter that trend—not to eliminate it, certainly, and perhaps not even to fully reverse it—but the time has come to alter it. Few will argue against the assertion that confidence in Government has deteriorated. Because an open society depends on a high level of public confidence in the institutions of such a society, public disenchantment with government must be of real concern to all of us.

General-purpose revenue sharing is no panacea, and no responsible person will claim that it is. But it is a tool whereby the resources and the responsibilities of State and local governments can be strengthened. If something like this proposal, and something like the President's special-purpose revenue sharing proposals, are enacted by the 92d Congress, three unique kinds of Federal program financing would be operating together in a flexible and responsive mix; general revenue sharing, with no strings attached, special purpose, that is, block-grants for use within broadly defined program areas of national priority, and

strictly defined categorical grants-in-aid where direct Federal control and guidance is thought to be required. It is the "mix" of all three that has such great appeal.

There has been and there will be criticism of the President's proposal, some of it serious and some of it frivolous. During the coming weeks it will be the job of those of us who believe deeply in the proposal to counter such criticism honestly and directly. I have no doubt that this can be done.

I might just briefly address myself at this point to one basic criticism and to one alternative to revenue sharing that has been proposed.

First, let me respond to the fundamental and superficial question raised by those who refer to the proposal as "debt-sharing": the question is, where will the money come from? It is a catchy but specious and irresponsible question. The resources would come from revenues generated by normal growth in the Federal personal income tax base. One can make an honest argument as to whether this is how such revenues should be used, but one cannot argue that they will not be there.

Secondly, I would like to say a very few words about rumored efforts on the part of some to substitute for the general-purpose revenue sharing proposal a complete Federal assumption of all State and local welfare costs, which will be roughly \$8 billion in the coming fiscal year. There is no question that such an assumption by the Federal treasury of welfare costs would be of great help to State and local governments, especially in a few heavily populated areas, and it may be that we should move in this direction. But that is a question that should be considered on its own merits and not as a part of the revenue sharing issue.

Although the quantitative fiscal relief might be roughly similar, the effects of the two proposals on our system of government are scarcely similar, if at all. Welfare costs have nothing to do with the structure of government and with the revitalization of State and local competence, which is perhaps the most important elements of revenue sharing.

One last word about the need for bipartisan cooperation in the development of the revenue-sharing concept. Although this bill may have a superficial semblance of simplicity, it has been worked out over a period of 3 years in the closest consultation with representatives of the Nation's Governors, mayors, and county officials of both parties. This is truly a consensus bill.

No one would be more surprised than the President if this bill were enacted line for line and word for word. If during the course of close congressional examination, improvements are indicated, they should and will be made.

But the bill is, in my judgment, a sound vehicle for a concept whose time has come; it is simple, direct, open. It is a beginning.

Those of us who believe in revenue sharing want a program, not an issue, as some critics have suggested. Simple arithmetic makes plain that this will re-

quire bipartisan support in a Congress not controlled by the party to which I belong. On behalf of the administration and 38 of my colleagues in the Senate, I earnestly solicit the broadest possible support for revenue sharing.

Mr. President, many in this Chamber share the sentiments I have attempted to express in this support of revenue sharing but have not yet indicated their cosponsorship of this bill or a forthright and complete support for revenue sharing as embodied in phase 1 of the President's proposal.

Other bills that I know of, are pending bills which have much merit, which approach the same problem and which, in some cases, are minute in their degree of disagreement with the language of this proposal.

I have discussed the sponsorship of such measures on the Democratic side and on the Republican side. On other occasions I have talked to Members of the Senate who share my belief that one of the greatest criticisms of the federal system in this century is the continuing flow of power from the local governments and the continuing, insidious destruction of the effectiveness of the Federal partnership.

These colleagues of ours who share this concern by and large feel that something must be done in the fiscal field in order to reverse the trend and alleviate the pain and suffering.

Other alternatives are offered from time to time and are discussed freely and openly on the floor of the Senate, in the public press and in private and public conversation and otherwise. I think it is presumptuous to say in those printed discussions that revenue sharing has stood the test of time better than any of the other alternatives.

I do not claim that further revenue sharing, as proposed in this legislation, or so-called special purpose revenue sharing, which will be offered in six separate bills to be submitted by the administration, are the only ways we could approach the problem.

I do say that their genesis of their idea is recognized, that its evolution is observable and its durability is remarkable.

I do say that we cannot afford the patent, academic luxury of deferring any of the acknowledged taxes to find the best possible solution to the dilemma, but rather, in the language of the Governor of one of our most populous eastern States, "Unless something is done, this State will be bankrupt in 30 days." States do not go bankrupt in the ordinary sense. However, it is a clear exposition of the plight of States, to say nothing of cities, towns, and townships of this Nation.

Something must be done if we are to salvage this concept, because otherwise I very much fear that in a short period of time, say months or certainly years, the Federal partnership as we know it will perish unless we move now to revitalize it.

The statement that the power to tax is the power to destroy is as true today as it was when first uttered.

The cold, hard fact of the matter is

that the Federal Government has had most of the taxing power in this country since the advent of the 16th amendment to the Constitution.

Those who support revenue sharing have developed a series of rationales and parallels to support this particular concept. We seldom find it necessary to identify and offer a solution to the problem of the destruction of local self-governments in the Senate themselves. But the parallels frequently go this way, and I think they have merit, that since the advent of the 16th amendment to the Constitution and the adoption of the graduated Federal income tax on personal income and the fixed rates on corporate income, the Federal Government has clearly had the most effective tax system in this country and the most progressive system, certainly in the arithmetic sense and probably in the philosophical sense as well.

The burden of Federal taxation according to the provisions of the Federal graduated income tax on personal income does certainly fall less heavily on the lower income wage earners and more heavily on those more able to pay.

Great injustices exist in the Internal Revenue Code and, we shall attempt to correct these injustices this year as we did in 1969.

No one would challenge the statement that this is the most equitable of any tax. It is far more fair and far less regressive, once again, in both an arithmetical and philosophical sense than those taxes often depended upon by local units, including ad valorem property taxes on both real and personal property, State sales taxes, and the State income tax in many States.

My State of Tennessee has no personal income tax. The State constitution prohibits it. I wish it were true of all other States.

While the Federal Government has the most equitable tax and conversely, while the Federal Government is probably the worst tax spender in the scheme of Government activities in the United States, the local governments are probably the best.

Why not combine the assets and diminish the disadvantages of both, and let the Federal taxing system attempt to collect equitably a share of the local tax requirement, and let the local government undertake more of its planning according to local needs and requirements, and have less planning and control at the Federal level? This, it seems to me, would be a happy marriage, but it also seems to me that an alternative to a system of this sort is unthinkable.

Unless something like this is done and unless Federal revenue sharing or its equivalent is accomplished soon, the threat of economic disaster at the local government level will be so great, present, and real that there is an honest likelihood that we will see a proliferation of new tax schemes, and new tax rates on old tax bases. It is possible the requirements of New York City, or of smaller communities throughout the country, and several States and counties, will be so great that property taxes will become

so burdensome that people will not stand for it as the principal tool for financing local government any longer.

It is also possible the plight of our governments will become so great that the pressure to raise sales taxes will be of staggering proportions. It seems to me, however, that raising sales taxes, which fall hardest on the low-wage earner, and also raising property taxes, which have the same effect and serve as a disinclination to homeownership, is the poorest way to solve the problem.

Some might argue that rather than increase old taxes more States and counties will pass income tax laws or as in the case of a few cities, that cities will resort to progressive and graduated personal income taxes, and prevent us from having to shift this burden to the federal system. The answer is "Yes, that might happen," but my answer is that the result would be wholly undesirable because of what I call the "vulcanizing" effect. The worst thing that could happen, because of mobility in the United States of people, money, industry, and opportunity, would be to see a system of thousands of different income taxes differently applied, differently administered, and differently applicable in the several States, counties, and cities in this country.

If we think we have trade barriers now between nations, it would be nothing compared with the trade and commerce barriers between States, counties, and cities if there is a system of unevenly enacted, administered, and interpreted income tax statutes. Revenue sharing, it seems to me, is the best answer, and the need is immediate.

Mr. GRIFFIN. Mr. President, will the Senator yield to me at a convenient point?

Mr. BAKER. I would be happy to yield at this point to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Tennessee for his leadership in connection with the revenue sharing concept. I refer to his leadership, as he introduces the administration's bill today as well as his leadership over the past several years. He has been in the forefront among those who have been explaining and selling the concept of revenue sharing to the Nation. I must say that, although there is still a way to go as far as some Members of Congress are concerned, the Senator from Tennessee has been very successful so far as the rest of the country is concerned.

I was interested to note, for example, that a recent Gallup poll revealed—perhaps the Senator from Tennessee has the exact figures—that over 70 percent of the American people now favors the concept of revenue sharing. Furthermore, judging by the flood of telegrams, letters, and resolutions that are coming to my office from local governmental officials, it is apparent that the overwhelming majority of people associated directly with local government solidly support this proposal and this concept.

As the Senator from Tennessee indicated at one point in his presentation, there has been some suggestion that

welfare fiscal relief should be substituted for revenue sharing.

I wonder if the Senator from Tennessee would agree that it could be a serious mistake to substitute welfare relief for revenue sharing. The President has proposed welfare reform and revenue sharing; and the country needs both.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Michigan for making this point. It is an important and vital point.

There is a so-called alternative that is being considered, I suppose seriously, in this body and in the other body. I frankly think that it would not only undermine the possibility of obtaining fiscal reform for local government, such as revenue sharing, but it would be a disservice to local governments, as well. It seems to me that if we were to adopt the plan of simply taking \$5 billion of welfare costs off the shoulders of local governments and transferring it to the Federal Government, instead of adopting revenue sharing, these things would occur, although they would not be intended.

First, 11 States of the Union would be recipients of about 50 percent of the benefits. Thirty-nine States of the 50 States would be worse off than they were before, which hardly seems an equitable response to the problem.

Second, local governments, distinguished from State government, meaning our hard-pressed cities and counties, would share hardly at all; only States would.

Third, and this is especially important, we would completely eliminate the present hard pressure to reform a patently unworkable welfare system. I do not mean to create the impression that I derive any satisfaction or take any happiness from our plight in the welfare field, but this plight itself is a stimulus to Congress to reform the welfare system.

All three of these results would be undesirable, and I feel these things would occur if we were to substitute welfare relief for revenue sharing. It may be that federalization of welfare may have to come, but we are dealing with two different things.

I thank the Senator.

Mr. JAVITS. Mr. President, I speak in favor of the President's revenue-sharing plan, which has been introduced today with a large bipartisan cosponsorship. In doing so, I would like to compliment the distinguished Senator from Tennessee, who is nationally known as a champion of revenue sharing, and whose remarks he has just delivered eloquently point out the need for this bold legislation.

Revenue sharing's supporters—coming from diverse parts of the country and from both rural and predominantly urban States—attest to the growing national awareness that America faces a breakdown in its State and local government finances if we do not act in this way. The people of my State, I feel, regard the proposed \$5 billion in new funds in the President's revenue-sharing plan, as inadequate. I shall be seeking to raise this figure to \$10 billion annually

starting now by amendment or new legislation.

An American humorist who must have known the workings of Congress once remarked:

Never put off until tomorrow what should have been done five years ago.

In the context of today, this phrase has a sinister ring, for it was just over 5 years ago that I introduced my first revenue-sharing bill. In the intervening years, the crisis of State and local government services has continued to rise—indeed, in some cities it has accelerated. While my State of New York illustrates a particularly compelling case for the kind of revenue-sharing plan before us, the crisis is nationwide and affects each one of us directly.

The rationale for revenue sharing illustrates this crisis. America finds itself today with a growing set of problems which, although national in scope, are appropriately the subject of State and local action. Crime in the streets, pollution in our air and water, poor education in our schools, congested traffic in our transportation systems, a growing polarization of ethnic and racial groups especially in our cities—these all reflect the concerns of Governors, mayors and local leaders, and their solution must be undertaken on a local level by local means.

Ironically, these problems are largely the result of our national wealth. Nevertheless, the tax revenues which we associate with increased wealth accrue chiefly to the Federal Government through the graduated income tax, not to States and local governments on the firing line.

During the past few weeks, the members of the Joint Economic Committee on which I serve as ranking Republican Senator, have been privileged to hear from that firing line. The very dramatic and ominous testimony from the Governors of New York, Ohio, Pennsylvania, and Wisconsin, and from the mayors of New York City, Newark, and Detroit clearly point out that the time for congressional action is this year, and no later. They paint a uniformly grim picture of mounting responsibilities without a matching increase in the tax base, and in some cases an actual downturn in revenues because of the current economic situation. I would like at this point to commend the chairman of the Joint Economic Committee, the distinguished Senator from Wisconsin, for holding these extremely useful hearings and dramatizing the plight of our States and cities. Although he is not converted to revenue sharing, by his own admission, his name is synonymous with fiscal responsibility at all levels of government. He has done the cause of revenue sharing a great service by his forthright strategy in holding these hearings at an early date, and by giving voice to the outstanding witnesses who appeared.

In my own State of New York, for example, new and expanded programs of more than \$4 million were rejected in planning the State budget for the coming year. Nevertheless, Governor Rockefeller recently announced a budget which

is almost 20 percent higher than the preceding year; and this increase can be traced almost entirely to inflation and to mandated increases in essential state programs. In other words, by spending this much more, New York will be just keeping its head above water. To raise the additional 20 percent, New Yorkers—who are already the highest taxed citizens in the country—are being asked to shoulder an additional \$1.1 billion burden in new taxes.

There are, of course, many reasons why States and local governments are in serious straits today, and revenue sharing addresses itself to only one of these causes: the imbalance in tax systems between the Federal and State Governments. With its virtual monopoly over the progressive income tax, the Federal Government has as its major source of revenue, a tax which grows at a faster rate than national income. Although many States and even some cities have income taxes as well, the chief source of revenue for these units is the property tax, which is not only highly localized but is also slow to respond to economic growth. While the property tax is well suited to finance general government activities which directly affect property—for example, fire departments, public parks, sanitation—it is hardly the vehicle for satisfying the accelerating claims on local governments for better schools, health care, highway construction, and mass transit systems.

Revenue sharing would, in effect, avail the States and localities of the wide jurisdictional reach and some of the progressive features of the Federal income tax system. Under the administration bill, all units of government would share in the revenues generated by personal income, whose growth averages 7 to 8 percent each year. Although there may be honest differences over the proper amount which a revenue-sharing bill should share with the States, the principle of revenue sharing would nevertheless make a significant contribution to the balancing of burdens between the Federal and our State and local governments.

During the hearings before the Joint Economic Committee, to which I have referred, several other solutions to the crisis in local government services were suggested, the most commonly mentioned of these being the federalization of welfare and a Federal tax credit for the payment of State taxes. These suggestions have great merit; but, in my view, they are designed to solve different problems and should not be looked upon as substitutes for revenue sharing; nor should revenue sharing be considered a substitute for the President's family assistance plan or similar legislation.

The Federal takeover of welfare would relieve the States of skyrocketing and mandatory costs imposed by present welfare legislation and also impose much needed national standards for the receipt of welfare aid. In this regard, it is significant that the administration's other priority piece of domestic legislation besides revenue sharing is the family assistance plan, which would go a long way toward setting these national welfare

standards. However, neither bill pre-empted the other, as each is based on different needs and solutions, as the distinguished Senator from Tennessee has so ably pointed out.

The same can be said about the Federal income tax credit for the payment of State taxes. This feature would enable Governors to ask for additional income taxes without having to commit political suicide in the process. But the immediate benefit of this feature would accrue to the individual claiming the credit, not to the State or local government which would still have to enact the taxes. As such, the income tax credit plan must be considered as a long-term incentive for States to modernize their tax structure, but it cannot entirely fill the gap between the Federal and State tax bases.

Like the president of a major corporation, a Governor or a mayor is responsible for billions of dollars of production and services, and of thousands of human lives. Yet unlike the corporation president, the mayor or Governor cannot declare bankruptcy or liquidate the business when the going gets too tough. Furthermore, simple survival in this business is not enough in a country whose citizens seek from their governments more and more in the way of modern social services.

Nevertheless, our State and local governments face the grim prospect of being unable to do business if present conditions continue. If what we say about improving the quality of life is to get beyond the rhetoric state, we must surely take a hard look at the financing of those State and local governments on the firing line, and be prepared to accept bold solutions.

Revenue sharing is one such solution. I urge its passage with the least possible delay.

Mr. BAKER. I thank my colleague from New York for his very pertinent remarks. I thank him for the kind remarks he made about my role in this field. I must point out, in all candor, however, that the senior Senator from New York was in the vanguard of this effort long before I came to the Senate and was one of the first advocates of fiscal reform and revenue sharing. It is by his example and that of others who have worked so hard that I think we have been able to bring a good piece of legislation to the consideration of the Senate.

Mr. JAVITS. I thank the distinguished Senator.

Mr. BAKER. Mr. President, I want to express my gratitude and that of the Senate, and I know of the President and the administration, for the Senator's efforts.

Mr. President, the Senator from Michigan referred to Gallup poll figures. In looking down at my papers, I find that the Gallup poll reported that 77 percent of the people knew what revenue sharing was and supported it, which is a really remarkable level of recognition of a fairly complex and exotic piece of legislative reform. I think it stems from the fact that the people of the country recognize that local governments are in deep trouble and that something must be done soon to alleviate the trouble.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Tennessee yield for some additional comments?

Mr. BAKER. I shall be happy to yield. Mr. GRIFFIN. I thank the Senator from Tennessee.

The argument is made that there is no Federal revenue to share.

This comment is based on a misconception.

It erroneously assumes that the revenue sharing concept should apply only when and if there is an "excess" or surplus of left over Federal revenue after other requirements are taken care of.

As envisioned by the Nixon administration, the recommended revenue sharing is as important and essential as other items in the Federal budget.

"The alternative to revenue sharing," says Treasury Assistant Secretary Murray Weidenbaum:

Is not a smaller Federal deficit. The alternative is a higher level of Federal spending in some other—and, in our view, lower priority—program areas.

President Nixon makes it clear that he regards revenue sharing, like defense spending, or other major national efforts as one of the important programs of this administration.

Viewed in that light, revenue sharing would bear no greater responsibility for a deficit than any other program referred to in the budget.

Some opponents charge that bureaucratic waste results when taxes are paid to the Federal Government and then routed back again to the States and localities. This is the so-called costly round trip.

Actually, Treasury costs for tax collections are lower than comparable costs incurred by State or local government when it acts as a collection agency.

Skeptics, as we have seen, are asking: Will State and local governments spend the revenue they share effectively, without hanky-panky and with wisdom?

Who knows? This is a hazard faced by democracies and tyrannies alike. Human frailties, human judgments, all these imponderables are involved.

William Gladstone once said that:

The proper function of government is to make it easy for the people to do good and difficult for them to do evil.

That is what revenue-sharing is all about. More and more the officials who actually make the decisions will now be operating in goldfish bowls closer to the people, where it will be easier to do good and more difficult to do evil. What is more, the General Accounting Office will still be on hand to perform the same function as the goldfish bowl.

Mr. BAKER. Mr. President, will the Senator yield briefly for just a moment?

Mr. GRIFFIN. I yield.

Mr. BAKER. The distinguished Senator from Michigan asked about the possibility of substituting welfare federalization for general revenue sharing. I have here, Mr. President, certain remarks in that respect which elaborate on the proposition that if we did that, if we transferred that money to revenue sharing, it would be of unequal application.

Mr. President, I want to express my

concern about a recently discussed proposal which I believe would be undesirable from the point of view of our present welfare reform objectives. I refer to suggestions that significant amounts of additional funds should be added to welfare reform as fiscal relief to State and local governments in place of funds which the 1972 budget recommends be allocated to general revenue sharing.

I am concerned about this proposal for three major reasons:

First, the distribution of welfare fiscal relief among States is quite different from that of general revenue sharing, and penalizes 39 States;

Second, local governments receive hardly any recognition under the welfare fiscal relief approach as compared to general revenue sharing;

Third, I believe further increases in funding for welfare should focus, on a carefully phased basis, on improving benefits to people.

The table attached to this statement compares the distribution of \$1 billion in general revenue-sharing with that for the same amount of funds in the form of fiscal relief under welfare reform. You will note from the table that there is serious unevenness in the distribution of funds. Four States gain over 50 percent in funds under the welfare fiscal relief approach as compared to general revenue-sharing, whereas there are 39 States which lose under this arrangement, with 17 losing more than 50 percent.

The reason for this unevenness is that the needs for the array of services which State and local government provide vary widely across the country. States with particularly high welfare needs and current benefit levels—often associated with high costs of living in urban areas—gain under a "fold-in" of revenue-sharing funds into welfare fiscal relief. On the other hand, States which have different patterns of needs are at a disadvantage. With this in mind, I believe it would be highly undesirable over a long period of time to "lock in" a distribution of additional Federal funds on a basis which is related to only one—albeit important—aspect of State-local government.

The Nixon administration is strongly committed to the reform of welfare and increasing the amount of Federal Government financing for this function. It has made this commitment absolutely clear. The Nixon welfare reform plan already includes, as an integral component, fiscal relief to States and localities of \$400 million in the first year.

I am also and equally committed to general revenue sharing for State and local governments. At the same time that we move forward to reform welfare, it meets the need to provide State and local governments with the resources and flexibility to deal with their own problems on their own terms. The substitution of relief from welfare costs for general revenue sharing misses the importance of the President's explicit effort to build the capability of State and local governments.

As you know, the proposed welfare reform program is carefully balanced. Administration spokesmen have indicated

on several occasions that, as we move down the road on welfare reform, we should raise the basic minimum payments level, now set at \$1,600 for a family of four. This will benefit the poor; narrow the wide discrepancy among present State payment levels; and, at the same time, provide additional fiscal relief to States and localities.

One more point I want to stress is that the President's revenue sharing plan aids both State and local governments on an approximately even basis. On the other hand, under the distribution of a like amount of funds as additional fiscal relief under welfare, only an estimated 20 percent would go to local governments, of which three-fourths would go to local governments in two States—New York and California.

Mr. President, I ask unanimous consent that the table to which I previously referred be printed in the RECORD at this point.

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

TABLE 1.—FISCAL RELIEF BY STATE FOR EACH \$1,000,000,000: GENERAL REVENUE SHARING AND WELFARE REFORM  
(In millions)

	General revenue sharing	Welfare reform	Gains and loss	Percent loss or gain
U.S. Total	\$1,000.0	\$1,000.0		
Alabama	16.4	7.4	\$-9.0	-55
Alaska	1.7	2.5	0.8	47
Arizona	10.3	5.0	-5.3	-51
Arkansas	8.6	5.0	-3.6	-42
California	118.0	237.6	119.6	101
Colorado	12.0	9.9	-2.1	-18
Connecticut	\$11.8	\$12.4	\$0.6	5
Delaware	2.7	2.5	-0.2	-7
D.C.	4.6	7.4	2.8	61
Florida	33.5	24.8	-8.7	-26
Georgia	21.5	9.9	-11.6	-54
Hawaii	4.7	5.0	0.3	6
Idaho	4.0	2.5	-1.5	-38
Illinois	44.4	54.4	10.4	24
Indiana	23.2	7.4	-15.8	-68
Iowa	14.9	9.9	-5.0	-34
Kansas	10.8	7.4	-3.4	-31
Kentucky	15.6	7.4	-8.2	-53
Louisiana	20.3	12.4	-7.9	-39
Maine	4.6	2.5	-2.1	-46
Maryland	18.5	14.9	-3.6	-19
Massachusetts	27.2	47.0	19.8	73
Michigan	45.8	42.1	-3.7	-8
Minnesota	21.5	14.9	-6.6	-31
Mississippi	12.3	5.0	-7.3	-59
Missouri	19.3	12.4	-6.9	-36
Montana	3.8	2.5	-1.3	-34
Nebraska	7.8	2.5	-5.3	-68
Nevada	2.8	.7	-2.1	-75
New Hampshire	3.0	2.5	-.5	-17
New Jersey	30.8	44.6	13.8	45
New Mexico	6.4	2.5	-3.9	-61
New York	106.8	163.4	56.6	53
North Carolina	22.7	7.4	-15.3	-67
North Dakota	4.1	1.0	-3.1	-76
Ohio	42.5	27.2	-15.3	-36
Oklahoma	12.7	12.4	-.3	-2
Oregon	11.4	7.4	-4.0	-35
Pennsylvania	49.2	64.4	15.2	31
Rhode Island	4.2	2.5	-.8	-19
South Carolina	11.3	2.5	-8.8	-78
South Dakota	3.8	2.5	-1.3	-34
Tennessee	17.4	9.9	-7.5	-43
Texas	48.6	22.3	-26.3	-54
Utah	5.7	2.5	-3.2	-56
Vermont	2.4	2.5	.1	4
Virginia	20.9	9.9	-11.0	-53
Washington	18.4	17.3	-1.1	-6
West Virginia	8.3	5.0	-3.3	-40
Wisconsin	24.9	9.9	-15.0	-60
Wyoming	2.3	.5	-1.8	-78

#### EXHIBIT I

The bill (S. 680) to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leader-

ship in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States, introduced by Mr. BAKER, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

#### S. 680

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

#### SHORT TITLE

SEC. 101. This Act may be cited as the "General Revenue Sharing Act of 1971".

#### DEFINITIONS

SEC. 201. (a) For purposes of this Act—  
(1) except where otherwise indicated, the term "fiscal year" means the fiscal year of the Government of the United States;

(2) the term "general revenue" means general revenue from own sources, as defined and used by the Bureau of the Census, provided that in the case of the District of Columbia it shall include the Federal payment authorized under 47 D.C. Code §2501(a) (81 Stat. 339);

(3) the term "Governor" means the chief executive officer of each State or his delegate;

(4) the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the internal revenue laws of the United States;

(5) the term "local government" means a municipality, county, or township (but does not include independent school districts or special districts) as such terms are defined and used by the Bureau of the Census;

(6) the term "personal income" means personal income as defined and used by the Office of Business Economics of the Department of Commerce;

(7) the term "population" means total resident population as defined and used by the Bureau of the Census;

(8) the term "Secretary" means the Secretary of the Treasury or his delegate;

(9) the term "Attorney General" means the Attorney General of the United States or his delegate;

(10) the term "State" means the several States of the United States and the District of Columbia;

(11) the term "Bureau of the Census" means the Bureau of the Census of the Department of Commerce;

(12) the term "taxable income" means taxable income as defined by the internal revenue laws of the United States;

(13) the term "units of government" means all units of local government (including independent school districts and special districts) as such terms are defined and used by the Bureau of the Census;

(14) the term "major municipality" means any municipality with a population of 2,500 or more as reported by the Bureau of the Census;

(15) the term "major township" means any township—

(a) with a population of 2,500 or more as reported by the Bureau of the Census, and

(b) the employment ratio for which is not less than one-half of the average employment ratio of all major municipalities in such State; and

(16) the term "employment ratio" means a fraction the numerator of which is the total number of employees of any major municipality or major township as reported by the Bureau of the Census and the denominator of which is the population of such governmental unit.

(b) Where appropriate, the definitions in subsection (a) shall be based on the latest published reports of the Department of Commerce, and on the internal revenue laws in effect, on the date of enactment of this Act. The data used in applying these definitions shall be the latest published data referable to the same point or period in time. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the Department of Commerce or by a revision of the internal revenue laws.

#### REVENUE SHARING APPROPRIATION

SEC. 301. (a) There is hereby appropriated for general revenue sharing for the fiscal year beginning July 1, 1971, and for each fiscal year thereafter, an amount, as determined by the Secretary, equal to the percentages provided in subsection (b) of this section multiplied by the total taxable income reported on Federal individual income tax returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) For the purposes of subsection (a), the applicable percentage is 0.96 percent for the fiscal year beginning July 1, 1971, and 1.3 percent for each fiscal year thereafter.

(c) Amounts appropriated pursuant to this section shall remain available without fiscal year limitations for the expenditures authorized by this Act.

#### PAYMENTS TO THE STATES

SEC. 401. (a) For any fiscal year, each State is entitled to an amount as determined by the Secretary, equal to—

(1) (i) the amount appropriated for such year pursuant to section 301 plus any amount not distributed during the previous fiscal year pursuant to subsection (b), less

(ii) an amount equal to 10 percent of the sum of the amounts described in subparagraph (1), and

(2) multiplied by the factor for such State.

(b) Except as provided in subsection (f), each State which has filed an alternative formula under section 501(c) shall receive an amount equal to the amount described in subparagraph (a) (1) (ii) multiplied by the factor for such State.

(c) Each State's factor shall be obtained by—

(1) multiplying such State's population by its revenue effort, and

(2) dividing the product obtained in paragraph (1) by the sum of such products for all States.

(d) For purposes of subsection (c), the revenue effort of each State for any fiscal year shall be obtained by dividing—

(1) the total general revenue derived by such State and all of its units of government by

(2) the total personal income for such State.

(e) The amount determined under subsection (a) of this section shall be paid by the Secretary to each State at such times as the Secretary may determine during any fiscal year, but not less often than once each calendar year quarter. A pro rata portion of the amount described in subsection (b) shall be paid by the Secretary for each calendar year quarter to which an alternative formula applies, at such times as the Secretary may determine during any fiscal year but not less often than once each such quarter.

(f) The District of Columbia shall receive its share of the amount described in subsection (b) notwithstanding the requirements of section 501(c).

(g) All computations and determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

## PAYMENTS BY STATES TO LOCAL GOVERNMENTS

SEC. 501. (a) The local governments of each State shall be entitled to receive an amount equal to the payment to such State pursuant to section 401(a) multiplied by a fraction the numerator of which is the sum of the general revenues of all units of government of such State and the denominator of which is the sum of the general revenues of such State and all of its units of government. Such amounts shall be computed by the State on the basis of the latest data available from the Department of Commerce at the beginning of the fiscal year.

(b) Within 30 days after receipt of a payment pursuant to section 401(a), each State shall pay to each of its local governments an amount, computed on the basis of the statistical data used in subsection (a) of this section, equal to—

(1) the amount determined under subsection (a) of this section, multiplied by

(2) the ratio of each such local government's general revenue to the total general revenue of all local governments in such State.

(c) To encourage States to take the initiative in strengthening the fiscal position of their local governments and to maximize flexibility in the use of the payments authorized by this Act for meeting the particular needs of differing State and local fiscal systems, the Secretary shall accept an alternative formula for the allocation of funds as required by subsection (a) of this section (and any modification or termination of such formula) if requested by the State, provided such formula (or modification or termination of such formula) is—

(1) enacted by the State in the same manner as authorized in such State's constitution for the enactment of State laws, and

(2) approved by a formal resolution by more than one-half of the governing bodies of each of the following classes of government in such State:

- (i) major municipalities,
- (ii) counties, and
- (iii) major townships.

In each such class of government, approval must be by governing bodies representing a majority of the population in such class. A statement of such formula indicating approval thereof in accordance with this paragraph (including a certification by the Bureau of the Census which enumerates major municipalities, counties, and major townships included in the classes referred to above) shall be filed by the Governor with the Secretary not later than 90 days preceding the first calendar year quarter to which such formula would be applicable. The provisions of such formula shall govern the use of funds allocated by this Act to local governments and shall apply for the next five fiscal years or for any lesser period approved pursuant to this subsection.

(d) Except when a formula has been adopted pursuant to subsection (c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount which represents not less than the average proportion of such State's general revenues received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act, unless such State demonstrates to the satisfaction of the Secretary that there has been a transfer from local governments to the State of financial responsibility for the direct support of facilities or services previously the responsibility of local governments.

## QUALIFICATIONS

SEC. 601. Participation by a State in the program established by this Act shall constitute a waiver by the State of its immunity from suit by its local governments pursuant to this Act. The Governor shall, on behalf

of the State and any local government which may receive any payments pursuant to this Act, give to the Secretary such assurances as he may require that such State and its local governments will—

(a) use such payments for its governmental purposes;

(b) use such fiscal and accounting procedures as may be necessary to assure (1) proper accounting for payments received by such State and its local governments, and (2) proper disbursement of amounts to which the local governments are entitled;

(c) provide to the Secretary or his representatives, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require for the purposes of reviewing compliance with this Act; and

(d) make such reports to the Secretary as he may reasonably require, including any computations made pursuant to section 501.

## POWERS OF THE SECRETARY

SEC. 701. (a) The Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data and reports and such other information which he may deem necessary to carry out his functions under this Act, and each Federal agency is authorized to furnish such statistical data and reports and other information to the Secretary to the extent permitted by law.

(b) If the Secretary determines that a State has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto,

(1) he may refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) after giving reasonable notice and opportunity for a hearing to the Governor of such State, he shall notify the Governor that if such State fails to take corrective action within 60 days from the date of such notification, further payments to such State in excess of the amounts to which the local governments of such State are entitled under section 501 shall be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts. In the case of the failure of the State to comply, for a period in excess of 6 months after the expiration of the 60-day notice, the Secretary shall forthwith cancel any payments withheld pursuant to this paragraph for the current and for any subsequent fiscal year and shall reappportion and pay such cancelled payments to all other States then entitled to receive payments under section 401 in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain. Such payments to all other States shall be considered payments made pursuant to section 401.

(c) If a payment to a State is withheld or cancelled pursuant to this section, the Secretary shall continue to pay to such State the amount to which the local governments of such State are entitled, as determined pursuant to section 501, and such State shall continue to distribute such amounts among its local governments pursuant to section 501.

(d) When a matter is referred to the Attorney General pursuant to subsection (b) (1), the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(e) The Governor shall be responsible to the Secretary for determining that local governments within his State have complied with the provisions of this Act, other than

section 1101, and the rules and regulations issued pursuant thereto. If, after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government of such State, the Governor determines that such local government has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto, the Governor shall forthwith notify such local government that if it fails to take corrective action within 60 days from the date of such notification, further payments to it under this Act will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. The Governor shall forthwith notify the Secretary of his action.

(f) In the event of a failure by such local government to comply for a period in excess of 6 months after the expiration of a 60-day notice issued by the Governor pursuant to a determination under subsection (e), the Governor shall forthwith cancel any payments withheld for the current and for any subsequent fiscal year and shall reappportion and pay such cancelled payments to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

## JUDICIAL REVIEW

SEC. 801. (a) Any State or local government which receives a 60-day notice under section 701, may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General, who shall represent the Secretary in any litigation.

(b) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of Title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) The Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the Court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(d) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28, United States Code.

(e) In the event that judicial proceedings are instituted pursuant to this section, the Secretary shall after the expiration of the 6-month period provided in sections 701(b) or 701(f), or the point in time when any judicial decision becomes final and the time for appeal or rehearing has expired, whichever period is later, cancel, reappportion and pay any payments withheld pursuant to section 701 for the current and for any subsequent fiscal years.

(f) For purposes of this section, the term "Secretary" means the Secretary of the

Treasury or the Governor of a State, whichever is appropriate.

#### REPORT BY THE SECRETARY

SEC. 901. The Secretary shall report to the President of the United States and the Congress as soon as is practicable after the end of the fiscal year on the operation of this Act during the preceding fiscal year.

#### ADMINISTRATIVE EXPENSES

SEC. 1001. There is hereby authorized to be appropriated such sums as may be necessary for the administrative expenses required to carry out the functions of the Government of the United States under this Act.

#### NONDISCRIMINATION PROVISION

SEC. 1101(a). No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds.

(b) (1) Whenever the Secretary determines that any State has failed to comply with subsection (a) or an applicable regulation, he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); or (iii) take such other action as may be provided by law.

(2) Whenever the Secretary determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); or (iii) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

#### EFFECTIVE DATE

SEC. 1201. The effective date of this Act shall be the date of enactment; however, the first payment shall cover the period beginning October 1, 1971.

The section-by-section analysis, and letter from the President, presented by Mr. BAKER, are as follows:

#### SECTION-BY-SECTION ANALYSIS— JANUARY 29, 1971

##### SECTION 101—SHORT TITLE

(a) *Short title.*—Subsection (a) of section 101 provides that the Act may be cited as the "General Revenue Sharing Act of 1971."

##### SECTION 201—DEFINITIONS

(a) *In general.*—Subsection (a) provides general definitions for purposes of the Act.

##### *Fiscal year*

Paragraph (1) provides that the term "fiscal year" means the fiscal year of the Government of the United States.

##### *General revenue*

Paragraph (2) provides that the term "general revenue" of State and local governments means general revenue from their own resources, as defined by the Bureau of the Census of the Department of Commerce, provided that in the case of the District of Columbia it includes the Federal payment authorized under 47 D.C. Code section 2501(a).

##### *Governor*

Paragraph (3) provides that the term "Governor" means the chief executive officer of a State or his delegate.

##### *Individual income tax returns*

Paragraph (4) provides that the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the internal revenue laws of the United States.

##### *Local government*

Paragraph (5) provides that the term "local government" means a municipality, county or township (but does not include independent school districts or special districts) as such terms are defined and used by the Bureau of the Census.

##### *Personal income*

Paragraph (6) provides that the term "personal income" means personal income as defined by the Office of Business Economics of the Department of Commerce.

##### *Population*

Paragraph (7) provides that the term "population" means total resident population, as defined and used by the Bureau of the Census.

##### *Secretary*

Paragraph (8) provides that the term "Secretary" means the Secretary of the Treasury or his delegate.

##### *Attorney General*

Paragraph (9) provides that the term "Attorney General" means the Attorney General of the United States, or his delegate.

##### *State*

Paragraph (10) provides that the term "State" means the several States of the United States and the District of Columbia.

##### *Bureau of the Census*

Paragraph (11) provides that the term "Bureau of the Census" means the Bureau of the Census of the Department of Commerce.

##### *Taxable income*

Paragraph (12) provides that the term "taxable income" means taxable income as defined by the internal revenue laws of the United States.

##### *Units of government*

Paragraph (13) provides that the term "units of government" means all units of local government (including independent school districts and special districts) as defined by the Bureau of the Census.

##### *Major municipality*

Paragraph (14) provides that the term "major municipality" means any municipality with a population of more than 2,500 as reported by the Bureau of the Census.

##### *Major township*

Paragraph (15) provides that the term "major township" means any township with a population of more than 2,500 as reported by the Bureau of the Census if its employment ratio is not less than one-half of the average employment ratio for all major municipalities in such State.

##### *Employment ratio*

Paragraph (16) provides that the term "employment ratio" means a fraction the numerator of which is the total number of

employees of any major municipality or major township and the denominator of which is the population of such governmental unit.

(b) *Changes and modifications in definitions.*—Subsection (b) of section 201 provides that the definitions in subsection (a) shall be based on the latest published reports available and the internal revenue laws in effect on the date of enactment. The data used in applying these definitions shall be based on the latest published data which are referable to the same point or period in time. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the Bureau of the Census, or by a revision of the internal revenue laws.

#### SECTION 301—REVENUE SHARING APPROPRIATION

(a) *Appropriation.*—Section 301 provides that for each fiscal year beginning on or after July 1, 1971, there shall be appropriated an amount equal to the percentages specified in subsection (b) multiplied by taxable income reported on Federal individual income returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) Subsection (b) provides that for the fiscal year beginning July 1, 1971, the applicable percentage is 0.96 and that it will be 1.3 percent for each fiscal year thereafter.

(c) *Fiscal year limitation.*—Subsection (c) provides that amounts appropriated pursuant to this Act shall remain available without fiscal year limitation for the expenditures authorized by this Act.

#### SECTION 401—PAYMENTS TO STATES

(a) *In general.*—Subsection (a) provides that for any fiscal year each State is entitled to an amount, determined by the Secretary, equal to the amount appropriated for such year pursuant to section 301 plus any undistributed amount of the prior year's incentive allocation (less 10 percent of the sum of such amounts) multiplied by the factor for such State.

(b) *Incentive payment.*—Subsection (b) provides that any State which together with its local governments adopts an alternative formula for the distribution of funds among the State and its local governments shall receive an amount equal to the 10 percent incentive allocation multiplied by the factor for such State.

(c) *State factor.*—Paragraphs 1 and 2 of subsection (c) provide that each State's factor shall be obtained by (1) multiplying such State's population by its revenue effort, and (2) dividing the product obtained in paragraph 1 by the sum of such products for all States.

(d) *Revenue effort.*—Subsection (d) provides that the revenue effort of each State for any fiscal year is obtained by dividing the total general revenue derived by such State and all of its units of government from their own resources by the total personal income for such State.

(e) *Payments.*—Subsection (e) provides that the payments determined under subsection (a) of this section shall be paid by the Secretary to the State at such times as the Secretary may determine during any fiscal year, but not less often than once each calendar year quarter.

(f) *District of Columbia payment.*—Subsection (f) provides that the District of Columbia will receive the incentive payment notwithstanding the provisions of section 501(c).

(g) *Final and conclusive determinations.*—Subsection (g) provides that all determina-

tions by the Secretary under sections 301 and 401 shall be final and conclusive.

SECTION 501—PAYMENTS BY STATES TO LOCAL GOVERNMENTS

(a) *Computation of pass-through amount.*—Subsection (a) of section 501 provides that the local governments of each State are entitled to an amount equal to the payment to such State pursuant to section 401 multiplied by a local distribution factor computed on the basis of the latest data available from the Department of Commerce, referable to the same point or period of time.

*Numerator*

The numerator of the local distribution factor is the total general revenue derived by all units of governments in such State from their own resources.

*Denominator*

The numerator of the local distribution factor is the total general revenue derived by all units of governments in such State from their own resources.

(b) *Payment to each local government.*—Subsection (b) provides that each State shall pay to each local government an amount equal to the amount determined under subsection (a) of section 501 multiplied by the ratio of such local government's general revenue from its own resources to the general revenue of all local governments in such State from their own resources.

(c) *Alternative distribution formula.*—Subsection (c) of section 501 provides that the Secretary shall accept an alternative formula for the distribution of funds, when filed by the State, provided such formula is approved by the State and by its general-purpose local governments.

*Approval*

(1) *State.*—Paragraph (1) of subsection (c) provides that the alternative formula must be approved by the State in the same manner as authorized in such State's constitution for the enactment of its own laws.

(2) *General-purpose local governments.*—Paragraph (2) of subsection (c) provides that the alternative formula must be approved by a formal resolution by more than one-half of the governing bodies of each of the following classes of government in such State: (a) major municipalities, (b) counties, and (c) major townships. In each such class of government, approval must be by governing bodies representing a majority of the population in such class.

*Filing*

The alternative formula must be filed not later than 90 days preceding the first calendar year quarter to which it would be applicable.

*Period of effectiveness*

The provisions of the formula are effective for the period provided in such alternative formula or for a 5-year period, whichever is shorter.

*Modification or termination of formula*

The alternative formula may be modified or terminated if such modification or termination is approved by the State and its local governments in the same manner as provided for adopting such formula.

(d) *Maintenance of existing payments.*—Subsection (d) of section 501 provides that, except when an alternative formula is adopted pursuant to section 501(c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount which represents not less than the average proportion of such State's general revenue received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act. A State may show to the satisfaction of the Secretary that it

should not be required to meet this maintenance standard where there has been a transfer from local governments to the State of financial responsibility for direct support of facilities or services.

SECTION 601—QUALIFICATIONS

*In general.*—Section 601 provides that participation by any State in this Act is a waiver by any such State of its immunity from suit by its local governments pursuant to section 801. The Governor must give the Secretary such other assurances as he may require that the State and its local governments will use and account for such revenue sharing funds in accordance with this Act.

*Governmental purposes*

Subsection (a) provides that payments received pursuant to this Act shall be used for a State or local government's governmental purposes.

*Accounting and disbursement*

Subsection (b) provides that a State (and its local governments) shall use procedures necessary to assure property accounting for payments received under this Act and proper disbursement of amounts to which the local governments are entitled.

*Compliance*

Subsection (c) provides that a State and its local governments must provide the Secretary, on reasonable notice, access to, and the right to examine, any book, document, paper or record that he may reasonably require for the purpose of reviewing compliance with this Act.

*Reports*

Subsection (d) provides that a State and its local governments shall make such reports to the Secretary as he may reasonably require, including any computations made pursuant to section 501.

SECTION 701—POWERS OF THE SECRETARY

(a) *Regulations.*—Subsection (a) of section 701 provides that the Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data, reports and such other information as he may deem necessary for the purpose of carrying out his functions under this Act.

(b) *Failure to Compliance by State Government.*

*In general.* Subsection (b) of section 701 provides that if, after giving reasonable notice and an opportunity for a hearing, the Secretary determines that a State has failed to comply with any provision of the Act (other than section 1101) or any rule or regulation issued pursuant thereto, he shall proceed as specified in this section.

*Referral*

The Secretary may refer the matter to the Attorney General with a recommendation that appropriate action be taken.

*Notification*

The Secretary may notify the Governor that if the State fails to take corrective action within 60 days from the date of a notification that it has failed to comply, further payments to such State in excess of the amounts to which the local governments of such State are entitled under section 501 will be withheld for the remainder of the fiscal year and for any subsequent fiscal year, until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied the Secretary shall make no further payments of such amounts.

*Cancellation of payments*

Section 701 also provides that if a State fails to comply for a period of six months after the expiration of a 60-day notice that its payments will be withheld, the Secretary

shall cancel any payment withheld pursuant to subsection (b) for the current and for any subsequent fiscal year.

*Reapportionment of payments.* The Secretary shall reapportion any cancelled payments to all other States then entitled to receive payments under section 401 of this Act, in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain. Amounts redistributed to States pursuant to section 701 are considered payments made pursuant to section 401.

(c) *Payments to local governments.* Subsection (c) of section 701 provides that if payments to a State are withheld or cancelled pursuant to this section, the Secretary shall continue to pay to such State the amount to which the local governments of such State are entitled under section 501 (computed as if the payment to such State had been made) and such State shall continue to distribute such amount among its local governments.

(d) *Power of the Attorney General.* Subsection (d) provides that when a violation is referred to the Attorney General under section 701(b), he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(e) *Failure of compliance by local government.*

*In general.*—Subsection (e) of section 701 provides that the Governor shall be responsible for determining that local governments within his State have complied with the requirements of this Act (other than section 1101) and the rules and regulations issued pursuant thereto.

*Notice of failure of compliance.* Subsection (e) also provides that if after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government, a Governor determines that a local government within his State has failed to comply, he shall notify such local government that if it fails to take corrective action within 60 days from the date of such notification, further payments to such local government will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken.

*Notification to Secretary.* The Governor shall notify the Secretary of his action.

(f) *Cancellation of payments.*—Subsection (f) provides that if a local government fails to comply for a period of six months after the expiration of the 60-day notice, the Governor shall cancel any payments withheld for the current and for any subsequent fiscal year.

*Reapportionment.* The Governor shall reapportion and pay any cancelled payment to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

SECTION 801.—JUDICIAL REVIEW

(a) *Filing of a petition for review.* Subsection (a) of section 801 provides that any State of local government which receives a 60-day notice under section 701 pursuant to a determination that payments to it will be withheld may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall be transmitted to the Secretary and the Attorney General.

(b) *Objections to Secretary's action.*—Subsection (b) of section 801 provides that no objection to the action of the Secretary shall be considered by the Court unless such ob-

jection has been urged before the Secretary.

(c) *Jurisdiction of Court.*—Subsection (c) of section 801 provides that the Court may affirm or modify the Secretary's action, or set it aside, in whole or in part.

#### *Finding of fact*

The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. If any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new findings of fact and may modify his previous actions.

(d) *Review.*—Subsection (d) of section 801 provides that the judgment of the Court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28 of the United States Code.

(e) *Cancellation of Payments.*—Subsection (e) of section 801 provides that, in the event that judicial proceedings are instituted pursuant to this section, the Secretary shall, after the expiration of the six months period provided in section 701 or the point at which any judicial decision becomes final, whichever is later, cancel, reapportion, and pay any payments withheld pursuant to section 701 for the current and any subsequent fiscal year.

(f) *The term "Secretary."*—Subsection (f) of section 801 provides that, for the purposes of section 801, the term "Secretary" means the Secretary of the Treasury, or the Governor of a State, whichever is appropriate.

#### SECTION 901.—REPORT BY THE SECRETARY

*In general.*—Section 901 provides that the Secretary of the Treasury shall report to the President of the United States and the Congress, as soon as is practicable after the end of the fiscal year, on the operation of this Act during the preceding fiscal year.

#### SECTION 1001.—ADMINISTRATIVE EXPENSES

*In general.*—Section 1001 authorizes an appropriation for general administrative expenses required by this Act.

#### SECTION 1101.—NONDISCRIMINATION PROVISIONS

(a) *In general.* Subsection (a) of section 1101 provides that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color or national origin under any program or activity funded in whole or in part with general revenue sharing funds.

(b) (1) *Failure of compliance by State.*

When the Secretary determines that a State has failed to comply with this section, he shall attempt to secure compliance by voluntary means.

If the Secretary determines that compliance cannot be secured by voluntary means, he may—(1) refer the matter to the Attorney General with a recommendation that appropriate civil action be instituted, (2) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), or (3) take any other action as may be provided by law.

(2) *Failure of compliance by local government.*

When the Secretary determines that a local government has failed to comply with this section, he shall notify the Governor of the State in which the local government is located that the local government is in violation of this section and he shall request the Governor to secure compliance. If the State is unable or refuses to secure compliance, the Secretary may—(1) refer the matter to the Attorney General with a recommendation that appropriate action be instituted, (2) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), or (3) take such other action as may be provided by law.

(d) *Power of the Attorney General.*

When a violation is referred to the Attorney General or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of provisions of this section, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

#### SECTION 1201.—EFFECTIVE DATE

The effective date of this Act shall be the date of enactment. The first payment shall be for the period beginning October 1, 1971.

#### *To the Congress of the United States:*

One of the best things about the American Constitution, George Washington suggested shortly after it was written, was that it left so much room for change. For this meant that future generations would have a chance to continue the work which began in Philadelphia.

Future generations took full advantage of that opportunity. For nearly two turbulent centuries, they continually reshaped their government to meet changing public needs. As a result, our political institutions have grown and developed with a changing, growing nation.

Today, the winds of change are blowing more vigorously than ever across our country and the responsiveness of government is being tested once again. Whether our institutions will rise again to this challenge now depends on the readiness of our generation to "think anew and act anew," on our ability to find better ways of governing.

#### BETTER WAYS OF GOVERNING

Across America today, growing numbers of men and women are fed up with government as usual. For government as usual too often means government which has failed to keep pace with the times.

Government talks more and taxes more, but often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. A gap has opened in this country between the worlds of promise and performance—and the gap is becoming a gulf that separates hope from accomplishment. The result has been a rising frustration in America, and a mounting fear that our institutions will never again be equal to our needs.

We must fight that fear by attacking its causes. We must restore the confidence of the people in the capacities of their government. I believe the way to begin this work is by taking bold measures to strengthen State and local governments—by providing them with new sources of revenue and a new sense of responsibility.

#### THE POTENTIAL OF STATE AND LOCAL GOVERNMENT

Part of the genius of our American system is that we have not just one unit of government but many, not just one Chief Executive and Congress in Washington, but many chief executives and legislators in statehouses and courthouses and city halls across our land. I know these men and women well. I know that they enter office with high hopes and with sweeping aspirations. I know they have potential to be full and effective partners in our quest for public progress.

But once they have taken office, our leaders at the State and local level often encounter bitter disappointment. For then they discover that while the need for leadership is pressing, and their potential for leadership is great the power to provide effective leadership is often inadequate to their responsibilities. Their dollars are not sufficient to fulfill either their dreams or their most immediate and pressing needs.

And the situation is getting worse.

#### A GROWING FISCAL CRISIS

Consider how State and local expenditures have been growing. In the last quarter century, State and local expenses have increased

twelvefold, from a mere \$11 billion in 1946 to an estimated \$132 billion in 1970. In that same time, our Gross National Product, our personal spending, and even spending by the Federal government have not climbed at even one-third that rate.

How have the States and localities met these growing demands? They have not met them. State and local revenues have not kept pace with rising expenditures, and today they are falling even further behind. Some authorities estimate that normal revenue growth will fall \$10 billion short of outlays in the next year alone.

#### THE HEAVY BURDEN OF STATE AND LOCAL TAXES

The failure of State and local revenues to keep pace with demands is the inherent result of the way in which our tax system has developed. Ever since the 16th Amendment in 1913 made it possible for the Federal government to tax personal income, this source of revenue has been largely pre-empted and monopolized by Washington. Nine out of every ten personal income tax dollars are collected at the Federal level.

Income tax revenues are quick to reflect economic growth. Often, in fact, they grow much faster than the economy. As a result, budget increases at the Federal level can more readily be financed out of the "natural growth" in revenues, without raising tax rates and without levying new taxes.

State and local governments are not so fortunate. Nearly three-fourths of their tax revenues come from property and sales taxes, which are slow to reflect economic expansion. It is estimated, in fact, that the natural growth in revenues from these sources lags some 40 to 50 percent behind the growth rate for State and local expenditures. This means that budget expansion at these levels must be financed primarily through new taxes and through frequent increases in existing tax rates.

As a result, the weight of State and local taxes has constantly been getting heavier. On a per capita basis, they have climbed almost 50 percent in the last fourteen years. Property tax receipts are six times as great as they were a quarter century ago. In the past dozen years alone, States have been forced to institute new taxes or raise old ones on 450 separate occasions. Consumer and service taxes have sprung up in bewildering variety in many cities.

These rising State and local levies are becoming an almost intolerable burden to many of our taxpayers. Moreover, they often fall hardest on those least able to pay. Poor and middle income consumers, for example, must pay the same sales taxes as the wealthy. The elderly—who often own their own homes—must pay the same property taxes as younger people who are earning a regular income. As further pressures are placed on State and local taxes, the impact is felt in every part of our society. The hard-pressed taxpayer—quite understandably—is calling for relief.

The result is a bitter dilemma for State and local leaders. On the one hand, they must cut services or raise taxes to avoid bankruptcy. On the other hand, the problems they face and the public they serve demand expanded programs and lower costs. Competition between taxing jurisdictions for industry and for residents adds further pressure to keep services up and taxes down.

While political pressures push State and local leaders in one direction, financial pressures drive them in another. The result has been a rapid and demoralizing turnover in State and local officeholders. The voters keep searching for men and women who will make more effective leaders. What the State and localities really need are the resources to make leaders more effective.

#### THE BEST OF BOTH WORLDS

The growing fiscal crisis in our States and communities is the result in large measure of a fiscal mismatch; needs grow fastest at

one level while revenues grow fastest at another. This fiscal mismatch is accompanied, in turn, by an "efficiency mismatch"; taxes are collected most efficiently by the highly centralized Federal tax system while public funds are often spent most efficiently when decisions are made by State and local authorities.

What is needed, then, is a program under which we can enjoy the best of both worlds, a program which will apply fast growing Federal revenues to fast growing State and local requirements, a program that will combine the efficiencies of a centralized tax system with the efficiencies of decentralized expenditure. What is needed, in short, is a program for sharing Federal tax revenues with State and local governments.

#### A WORD ABOUT PRESENT GRANTS-IN-AID

There is a sense in which the Federal Government already shares its revenues with governments at the lower levels. In fact, Federal aid to the States and localities has grown from less than one billion dollars in 1946 to over 30 billion dollars this year. Unfortunately, most of this assistance comes in the form of highly restricted programs of categorical grants-in-aid. These programs have not provided an effective answer to State and local problems; to the contrary, they provide strong additional evidence that a new program of unrestricted aid is badly needed.

The major difficulty is that States and localities are not free to spend these funds on their own needs as they see them. The money is spent instead for the things Washington wants and in the way Washington orders. Because the categories for which the money is given are often extremely narrow, it is difficult to adjust spending to local requirements. And because these categories are extremely resistant to change, large sums are often spent on outdated projects. Pressing needs often go unmet, therefore, while countless dollars are wasted on low priority expenditures.

This system of categorical grants has grown up over the years in a piecemeal fashion, with little concern for how each new program would fit in with existing old ones. The result has been a great deal of overlap and very little coordination. A dozen or more manpower programs, for example, may exist side by side in the same urban neighborhood—each one separately funded and separately managed.

All of these problems are compounded by the frequent requirement that Federal dollars must be matched by State and local money. This requirement often has a major distorting effect on State and local budgets. It guarantees that many Federal errors will be reproduced at the State and local level. And it leaves hard pressed governments at the lower levels with even less money to finance their own priorities.

The administrative burdens associated with Federal grants can also be prohibitive. The application process alone can involve volumes of paperwork and delays of many months. There are so many of these programs that they have to be listed in large catalogs and there are so many catalogs that a special catalog of catalogs had to be published. The guidelines which are attached to these grants are so complicated that the government has had to issue special guidelines on how the guidelines should be interpreted. The result of all this has been described by the Advisory Commission on Intergovernmental Relations as "managerial apoplexy" on the State and local level.

Meanwhile, the individual human being, that single person who ultimately is what government is all about, has gotten lost in the shuffle.

State and local governments need Federal help, but what they need most is not more help of the sort they have often been receiving.

They need more money to spend, but they also need greater freedom in spending it.

#### A NEW APPROACH

In the dark days just after the Battle of Britain, Winston Churchill said to the American people: "Give us the tools and we will finish the job."

I now propose that we give our States and our cities, our towns and our counties the tools—so that they can get on with the job.

I propose that the Federal Government make a \$16 billion investment in State and local government through two far-reaching revenue sharing programs: a \$5 billion program of General Revenue Sharing which I am describing in detail in this message to the Congress, and an \$11 billion program of Special Revenue Sharing grants which will be spelled out in a series of subsequent messages.

#### GENERAL REVENUE SHARING: HOW IT WORKS

The General Revenue Sharing program I offer is similar in many respects to the program I sent to the Congress almost eighteen months ago. But there are also some major differences.

For one thing, this year's program is much bigger. Expenditures during the first full year of operation would be ten times larger than under the old plan. Secondly, a greater proportion—roughly half—of the shared funds would go to local governments under the new proposal. In addition, the 1971 legislation contains a new feature designed to encourage States and localities to work out their own tailor-made formulas for distributing revenues at the State and local level.

The specific details of this program have been worked out in close consultation with city, county and State officials from all parts of the country and in discussions with members of the Congress. Its major provisions are as follows:

#### 1. Determining the Size of the Overall Program.

The Congress would provide a permanent appropriation for General Revenue Sharing. The size of this appropriation each year would be a designated percentage of the nation's taxable personal income—the base on which individual Federal income taxes are levied. This arrangement would relieve the States and localities of the uncertainty which comes when a new level of support must be debated every year.

Since the fund would grow in a steady and predictable manner with our growing tax base, this arrangement would make it easier for State and local governments to plan intelligently for the future.

The specific appropriation level I am recommending is 1.3 percent of taxable personal income; this would mean a General Revenue Sharing program of approximately \$5 billion during the first full year of operation, a sum which would rise automatically to almost \$10 billion by 1980. All of this would be "new" money—taken from the increases in our revenues which result from a growing economy. It would not require new taxes nor would it be transferred from existing programs.

#### 2. Dividing Total Revenues Among the States.

Two factors would be used in determining how much money should go to each State: the size of its population and the degree to which it has already mobilized its own tax resources. By using a distribution formula which takes their tax effort into account, this program would encourage the States to bear a fair share of responsibility. A State which makes a stronger effort to meet its own needs would receive more help from the Federal Government.

One other incentive has also been built into the new legislation: those States which negotiate with their local governments a mutually acceptable formula for passing money on to the local level, would receive

more money than those States that rely on the Federal formula. This provision would encourage a State and its localities to work out a distribution plan which fits their particular requirements. States which develop such plans would receive a full 100 percent of the money allocated to them under the formula described above. Other States would receive only 90 percent of their allocation, with the remaining ten percent being carried over and added to the following year's overall allocation.

#### 3. Distributing Revenues Within the States.

Those States which do not adopt their own plan for subdividing shared revenues would follow a formula prescribed in the Federal legislation. This formula would assign to the State government and to all units of local government combined a share of the new money equal to that portion of State and local revenues currently raised at each level. On the average, this "pass through" requirement would mean that about one-half of the revenue sharing funds would go to the States and half would go to the localities. Governmental units of all sizes would be eligible for aid—but only if they were set up for general purposes. This would exclude special purpose units such as sewer districts, school districts, and transit authorities. Each general purpose unit would then receive its proportionate share of revenues based on how much money it raises locally.

#### 4. Other Procedures and Requirements.

General Revenue Sharing monies would come without program or project restrictions. The funds would be paid out at least quarterly through the Treasury Department; no massive new Federal agencies would be established. Each State would be required to pass on to local units their proper share of the Federal funds and to observe appropriate reporting and accounting procedures.

In my State of the Union message I emphasized that these revenue-sharing proposals would "include the safeguards against discrimination that accompany all other Federal funds allocated to the States." The legislation I am recommending provides these safeguards. It stipulates that: "No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds."

The Secretary of the Treasury would be empowered to enforce this provision. If he found a violation and was unable to gain voluntary compliance, he could then call on the Attorney General to seek appropriate relief in the Federal Courts, or he could institute administrative proceedings under Title VI of the Civil Rights Act of 1964—leading to a cut off of Federal funds. The Federal Government has a well defined moral and constitutional obligation to ensure fairness for every citizen whenever Federal tax dollars are spent. Under this legislation, the Federal Government would continue to meet that responsibility.

#### ENHANCING ACCOUNTABILITY

Ironically, the central advantage of revenue sharing—the fact that it combines the advantages of Federal taxation with the advantages of State and local decision-making—is the very point at which the plan is frequently criticized. When one level of government spends money that is raised at another level, it has been argued, it will spend that money less responsibly; when those who appropriate tax revenues are no longer the same people who levy the taxes, they will no longer be as sensitive to taxpayer pressures. The best way to hold government accountable to the people, some suggest, is to be certain that taxing authority and spending authority coincide.

If we look at the practice of government in modern America, however, we find that this is simply not the case. In fact, giving States and localities the power to spend certain Federal monies will increase the influence of each citizen on how those monies are used. It will make government more responsive to taxpayer pressures. It will enhance accountability.

In the first place, there is no reason to think that the local taxpayer will be less motivated to exert pressure concerning the way shared revenues are spent. For one thing, the local taxpayer is usually a Federal taxpayer as well; he would know that it was his tax money that was being spent.

Even if local taxpayers were only concerned about local taxes, however, they would still have a direct stake in the spending of Federal revenues. For the way Federal money is used determines how much local money is needed. Each wise expenditure of Federal dollars would mean an equivalent release of local money for other purposes—including relief from the need to raise high local taxes even higher. And every wasted Federal dollar would represent a wasted opportunity for easing the pressure on local revenues.

Most voters seldom trace precisely which programs are supported by which levies. What they do ask is that each level of government use all its money—wherever it comes from—as wisely as possible.

The average taxpayer, then, will be no less disposed to hold public officials to account under revenue sharing. What is more, he will be able to hold them to account far more effectively.

The reason for this is that "accountability" really depends, in the end, on accessibility—on how easily a given official can be held responsible for his spending decisions. The crucial question is not where the money comes from but whether the official who spends it can be made to answer to those who are affected by the choices he makes. Can they get their views through to him? Is the prospect of their future support a significant incentive for him? Can they remove him from office if they are unhappy with his performance?

These questions are far more likely to receive an affirmative answer in a smaller jurisdiction than in a larger one.

For one thing, as the number of issues is limited each issue becomes more important. Transportation policy, for example, is a crucial matter for millions of Americans—yet a national election is unlikely to turn on that issue when the great questions of war and peace are at stake.

In addition, each constituent has a greater influence on policy as the number of constituents declines. An angry group of commuters, for example, will have far less impact in a Senatorial or Congressional election than in an election for alderman or county executive. And it is also true that the alderman or county executive will often be able to change the local policy in question far more easily than a single Congressman or Senator can change policy at the Federal level.

Consider what happens with most Federal programs today. The Congress levies taxes and authorizes expenditures, but the crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials nor to the public at large. When programs prove unresponsive to public needs, the fact that the same level of government both raises and spends the revenues is little comfort.

At the local level, however, the situation is often reversed. City councils, school boards and other local authorities are constantly spending revenues which are raised by State governments—in this sense, revenue sharing has been with us for some time. But the separation of taxing and spending authority does not diminish the ability of local voters

to hold local officials responsible for their stewardship of all public funds.

In short, revenue sharing will not shield State and local officials from taxpayer pressures. It will work in just the opposite direction. Under revenue sharing, it will be harder for State and local officials to excuse their errors by pointing to empty treasuries or to pass the buck by blaming Federal bureaucrats for misdirected spending. Only leaders who have the responsibility to decide and the means to implement their decisions can really be held accountable when they fail.

#### OTHER ADVANTAGES

The nation will realize a number of additional advantages if revenue sharing is put into effect. The need for heavier property and sales taxes will be reduced. New job opportunities will be created at the State and local level. Competition between domestic programs and defense needs will be reduced as the State and local share of domestic spending increases. As the States and localities are renewed and revitalized, we can expect that even more energy and talent will be attracted into government at this level. The best way to develop greater responsibility at the State and local level is to give greater responsibility to State and local government.

In the final analysis, the purpose of General Revenue Sharing is to set our States and localities free—free to set new priorities, free to meet unmet needs, free to make their own mistakes, yes, but also free to score splendid successes which otherwise would never be realized.

For State and local officials bring many unique strengths to the challenges of public leadership. Because they live day in and day out with the results of their decisions, they can often measure costs and benefits with greater sensitivity and weigh them against one another with greater precision. Because they are closer to the people they serve, State and local officials will often have a fuller sense of appreciation of local perspectives and values. Moreover, officials at these lower levels are often more likely to remember what Washington too often forgets: that the purpose of government is not budgets and programs and guidelines, but people.

This reform will also help produce better government at the Federal level.

There is too much to be done in America today for the Federal Government to try to do it all. When we divide up decisionmaking, then each decision can be made at the place where it has the best chance of being decided in the best way. When we give more people the power to decide, then each decision will receive greater time and attention. This also means that Federal officials will have a greater opportunity to focus on those matters which ought to be handled at the Federal level.

#### LABORATORIES FOR MODERN GOVERNMENT

Strengthening the States and localities will make our system more diversified and more flexible. Once again these units will be able to serve—as they so often did in the 19th century and during the Progressive Era—as laboratories for modern government. Here ideas can be tested more easily than they can on a national scale. Here the results can be assessed, the failures repaired, the successes proven and publicized. Revitalized State and local governments will be able to tap a variety of energies and express a variety of values. Learning from one another and even competing with one another, they will help us develop better ways of governing.

The ability of every individual to feel a sense of participation in government will also increase as State and local power increases. As more decisions are made at the scene of the action, more of our citizens can have a piece of the action. As we multiply the centers of effective power in this country, we will also multiply the opportunity for every

individual to make his own mark on the events of his time.

Finally, let us remember this central point: the purpose of revenue sharing is not to prevent action but rather to promote action. It is not a means of fighting power but a means of focusing power. Our ultimate goal must always be to locate power at that place—public or private—Federal or local—where it can be used most responsibly and most responsively, with the greatest efficiency and with the greatest effectiveness.

#### "THE CARDINAL QUESTION"

Throughout our history, at one critical turning point after another, the question on which the nation's future turned was the relationship between the States and the central government. Woodrow Wilson properly described it as "the cardinal question of our constitutional system."

In most cases—in the 1780's and in the 1860's and in the 1930's, for example—that question was resolved in favor of a stronger government at the Federal level. But as President Wilson went on to say, this question is one which "cannot . . . be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political economic development gives it a new aspect, makes it a new question."

Because America has now reached another new stage of development, we are asking that "cardinal question" again in the 1970's. As in the past, this is a matter beyond party and beyond faction. It is a matter that summons all of us to join together in a common quest, considering not our separate interests but our shared concerns and values.

To a remarkable degree, Americans are answering Wilson's cardinal question in our time by calling on the Federal Government to invest a portion of its tax revenues in stronger State and local governments. A true national consensus is emerging in support of revenue sharing. Most other nations with Federal systems already have it. Most Mayors and Governors have endorsed it. So have the campaign platforms of both major political parties. This is a truly bipartisan effort.

Revenue sharing is an idea whose time has clearly come. It provides this Congress with an opportunity to be recorded as one that met its moment, and answered the call of history. So let us join together, and, by putting this idea into action, help revitalize our Federal system and renew our nation.

RICHARD NIXON.

THE WHITE HOUSE, February 4, 1971.

Mr. BAKER. Mr. President, I ask unanimous consent that a statement by the Senator from Delaware (Mr. ROTH) be printed in the RECORD.

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

#### STATEMENT OF SENATOR ROTH

Mr. President, it is a privilege to join the senior Senator from Tennessee (Mr. Baker) and several of my other colleagues in sponsoring the general purpose revenue-sharing plan which President Nixon recommended to the Congress in his recent State of the Union message. I commend the President for his initiative in this field and trust that the Congress will give careful and prompt consideration to this legislation.

As the sponsor of a revenue-sharing bill in the House of Representatives during the 91st Congress, I am well aware of the growing fiscal crisis that many of our States and cities are facing or will be facing in the near future. I have no doubt that this fact will be adequately documented during the course of hearings on this proposal in the next few months.

I believe it is important, however, in considering this legislation, that we not under-

estimate the importance of providing a strong incentive for local and State governments to improve their own revenue-collecting procedures.

While I support the concept of revenue-sharing in order to assist the States and cities through these difficult times, we must recognize that it is axiomatic that the Federal government taxes the same citizens and businesses that the States and local governments tax. If the Federal Government's revenue raising mechanisms are more efficient and therefore more productive of revenue, then perhaps we can assist the States and local governments in this area. At least we should provide adequate incentives for them to improve their tax structures in order that they may ultimately assume a greater share of the burden themselves.

I would hope that the legislation which we finally enact will contain the basis for an ultimate phase-out of the program. I think it would be a mistake to simply enact another permanent program of Federal aid to States and local governments, thereby making them increasingly dependent on the whim of the Congress and the Federal Government. Such a procedure would not solve the fiscal problems the States and local governments face, but would instead simply gloss them over. They must, in short, be given strong incentives and direction where appropriate and necessary to improve their own revenue collecting procedures.

I might add that I hope that states such as my own would fare better under the proposed program than they generally have in the past under many of the categorical grant programs. I recognize that not every state can come out ahead when it comes to Federal revenue-sharing or grant programs, but I do believe that States such as Delaware cannot continue to pay into the Federal Treasury far more than they receive in return and be expected to continue to support such programs.

I shall have more to say about the concept of revenue-sharing when we actively consider this legislation on the Senate floor. In the meantime, may I simply state that I support the purpose of this program and am, therefore, pleased to be a cosponsor of the bill. And while I feel that we must give more consideration to the States whose taxpayers are being called upon to bear the brunt of the burden of revenue-sharing and we must also insure that we build into the program a strong incentive for the States and local governments to improve their own revenue-collecting mechanisms, I do not preclude the possibility of other changes and improvements in the bill as our consideration of it proceeds.

#### REVENUE SHARING

Mr. HANSEN. Mr. President, I am proud to express my firm support for the legislation which has just been introduced to provide for the sharing of certain general revenues of the Federal Government with the States and localities. Just as I cosponsored legislation embodying the revenue-sharing concept during the previous Congress, so am I a cosponsor of the proposed legislation now before the 92d Congress.

The need is great. Government must be made more flexible and responsive to the wishes of the people. I congratulate the President for his bold proposal to accomplish these goals. The President's message to Congress last Thursday on the subject of revenue-sharing outlined the problems and described how those problems would be solved by the legislation which has been introduced today. That message included many of the reasons why I personally feel it is essential

to pass this legislation during the 92d Congress. In the interest of time, I shall not again detail the problems faced by this Nation and its Governments. But I would like to point to two instances in my own political experience which lead me to believe that Federal revenue-sharing will benefit the people of the United States and the quality of the government they receive at all levels: Federal, States and local.

As Governor of my State of Wyoming, I experienced first hand the dilemma faced by State and local officials today. I know that many Senators have had the same experience, although my experience at the State level may have been more recent.

I know the demand placed on State governments to create, expand, develop, and improve State services. Much of this pressure results from Federal grant-in-aid programs which in many cases do not truly relate to State and local needs. I also know the severe limitations placed on the State and local government's ability to generate revenue to meet increased demands for services. There are many reasons for the limitation—preemption of a particular type of tax by another level of government, size of the State or its population, economic development of the State, and mechanical ability to collect the tax.

As Governor of Wyoming, a State with a small population, I served as a member of the State welfare board and board of charities and reform. I saw many cases where inflexible Federal regulation prevented the State from quickly and efficiently meeting the needs of the 330,000 people of Wyoming. There is just no way that Washington can develop rules and regulations which can be workable across a nation as diverse as our own. Yet in many cases it was the Federal Government setting detailed procedure for administering these programs in Wyoming.

I am convinced that the President's revenue-sharing program will be more responsive to the needs and wishes of the people than present Federal expenditures. The problems vary from New York to Wyoming to California and should be administered accordingly. Not only will the funds be spent more efficiently, but errors will not be reproduced, the problems of greatest concern in a particular State can be given priority, and money will not be spent in an effort to solve problems which may be nonexistent in a particular State.

In addition, decisions will be made and programs will be administered by officials elected by the people of the State or locality to serve them. They will not be made and administered by a bureaucrat in Washington. Then, if the people find great fault with the way these services are being provided in their State or city, they can replace their elected official, something which is not possible to do with a program run from Washington.

The second experience to which I would like to refer occurred during my service last year as a member of the Committee on Finance. From June

through December, members of that Committee devoted a large share of their time to the welfare reform legislation requested by the President.

A prime concern of many Senators was the question whether the proposal would work; whether it would be an improvement over the present system or worse than that system. But the choice was to replace one broad national welfare system which is not working with another broad national system which was very different and with which there was no experience on which to base a judgment.

I often think how useful it would be to Congress and the President if our system were more flexible. As problems occurred in the administration of the welfare system of a particular State, that State could make changes within a broad framework to solve those problems. Then the experience of one State would serve as a basis for decisions by other States. This flexibility would be invaluable. If a program did not work well, it could be more easily changed, and we would not have to chance either a national success or a national disaster.

The proposed general revenue-sharing legislation introduced today is a good first step. I am looking forward to the introduction of a bill to provide for special revenue sharing. There may be instances where I will disagree with a certain provision of the proposal, or think it might be improved. But the concept is good, and it will strengthen all levels of government. I sincerely hope that Congress will take steps at an early date to enact a revenue-sharing program.

Mr. HOLLINGS. Mr. President, the time has come for the enactment of Federal-State welfare sharing. Time has all but run out for State and local governments all across our land. Many are faced with impending bankruptcy, and there is a genuine possibility of governmental breakdown in more than one area of the country. Dozens and dozens of cities have already been forced to curtail vital public services—services such as education, housing, and sanitation. Their problem is not a lack of will, nor is it one of incompetence. It is a matter of money, and unless more money is provided on the State and local level we will face a crisis of unprecedented proportion. Revenue-sharing funds would provide the tools for a concerted State and local effort to deal with our many rural and urban problems. And they would open the door to an adequately paid force of public employees.

The first bill I proposed to this Chamber upon becoming a Member was the Tax Sharing Act of 1967. I have been working for the enactment of such legislation ever since. The Federal Government is currently spending at an annual rate of \$28 billion in a myriad of programs designed to improve social and economic services. Many of these programs have quickly bogged down in a quagmire of redtape and bloated bureaucracy. Without adequate local participation, they lead to conflicting priorities, confusion, and maladministration. It is now time to reverse the deadening trend toward centralized bureaucracy.

Many State and local problems can be solved only at State and local levels. Police protection and law enforcement, housing and education, street maintenance, and sanitation—these are some of the major determinants of successful government, the difference between a decent and a squalid environment. If we attempt to smother State and local initiatives in these areas, the problems will continue to fester and the confidence of our people in the ability of their Government to deliver, to match promise with performance, will continue to erode. That is why revenue sharing is so critically important.

The implementation of revenue sharing will be a historic step. And although the demand is urgent, hearings must be held and alternative ways of effecting the program must be studied. Earlier in the session, I reintroduced my tax sharing act. It represents one avenue for action. The President has now forwarded his version of revenue sharing. I welcome his support of the revenue sharing concept, and I trust that this evidence of his leadership will be followed up with rigorous followthrough. Today, Mr. President, I join in cosponsorship of the President's General Revenue Sharing Act of 1971. It provides, I believe, a basis for action. It will lead to hearings wherein various avenues may be explored, and will eventuate, I hope, in long-needed legislation. I urge Congress to proceed with dispatch on this important proposal. No matter of more pressing urgency will command our attention in the 92d Congress. Upon the success of our actions, much depends.

Mr. MATHIAS. Mr. President, I am pleased to join in cosponsoring the President's revenue-sharing proposal. This measure is desperately needed to relieve the financial plight of our Nation's cities, counties, and States. During the period the last Congress failed to act on this legislation, the need for it has grown all the more acute. Up and down the country, local and State officials are screaming for revenue sharing. How much longer can we turn a deaf ear?

Let us continue to insist on better schools, more hospitals, effective pollution control, expanded police protection, but let us give free rein to local initiative. Let us put our money where our mouth is. How much longer can we prod State and local officials with one hand and pick their pockets with the other?

Every Maryland resident, all Americans are being hard pressed by a crippling tax spiral that is skyrocketing sales and property taxes. By taking the pressure off these taxes, and by providing State and local governments with desperately needed revenues, revenue sharing could well be the most important domestic reform of the decade.

Of course, we must not be so naive as to think that the advent of revenue benefits will enable us to slash our property and sales taxes. In fact there will be definite disincentives for us not to do this. What revenue sharing will do, is to relieve the pressure to increase these already burdensome and excessive taxes.

Revenue sharing will mean not only

dollars; it will mean programs—mental health projects, school extensions, anti-pollution efforts, hospital expansion—whatever State and local officials deem necessary to meet their own local needs and priorities.

Revenue sharing is one of the most significant proposals on the political horizon today. President Nixon, by requesting action on such a program, has brought promise of long-needed fiscal relief to our States and cities. Revenue sharing represents an investment of faith in Government close to the people. It stands at the heart of the new federalism.

Endorsements of revenue sharing have come from the National Governors Conference, the National League of Cities, the National Association of Counties and the National Conference of State Legislative Leaders.

Next to Federal revenue which is mushrooming—a ninetyfold increase in 36 years—State and local takings stand dwarfed, their growth cramped by their dependence on regressive and already excessive property and sales taxes. This fiscal imbalance, this financial mismatch must be redressed.

Unless we want to consign our communities to the undertaker, unless we seek burial by State and local problems, we must stimulate State and local initiative. We must provide not only encouragement, we must come with resources. We must strengthen the muscle of local officials so they can take command in solving their own problems.

By increasing the power and responsibility of these levels of government, we shall enhance the impact of the individual citizen on public policymaking. We shall narrow the gap between the individual and the Government, and thus bring the people closer to the Government and the Government closer to the people.

The Federal Government must get off its horse of prescribing only Federal remedies to State and local problems. The grant-in-aid cookie jar has not only grown obese—it now provides \$28 billion per year, over four times the amount of 1957—it has grown staggeringly complex.

The latest review indicates that over 1,000 separate programs bait and boggle State and local officials. Many are finding it impossible to cut through this massive bureaucratic jungle. All of them are facing program delay and uncertainty, greater administrative costs, and distortion of their budgets.

Revenue sharing, with its greater emphasis on decentralized decisionmaking, initiative and innovation, would provide much needed flexibility and would go a long way toward relieving our grant-in-aid congestion. As a vital and necessary supplement to these programs, it would produce a far more effective and responsive allocation of total national resources.

Mr. COOPER. Mr. President, I rise in support of President Nixon's revenue-sharing proposal as incorporated in the bill introduced today by the senior Senator from Tennessee (Mr. BAKER). I am very happy to be a cosponsor of this bill, and I am hopeful that the Senate Finance Committee will have an early op-

portunity to consider this important subject.

The need of State, county, and municipal governments for additional sources of tax revenue is more immediate and pressing today than at any other time in our country's history. Most States, counties, and municipalities have reached the limit of their own chief sources of revenue which have traditionally been based on real estate, sales and State income taxes. We have reached the point where personal income taxes are levied on individuals by many municipalities in addition to a State income tax.

One of the innovative features, and to my mind one of the most important aspects of the President's program, concerns the provision to share a certain fixed percentage of the Nation's annual taxable personal income with the States and municipalities. The President proposes for fiscal 1972 to allocate 1.3 percent of the Federal revenues obtained from personal income taxes to get this program underway. The amount produced under this formula would approximate \$5 billion during the first full year of operation, and would rise from year to year as our economy expands and our tax revenues increase.

By employing a fixed percentage of the Federal revenues for sharing with the States, the program has the important advantage of enabling officials of State and municipal governments to calculate in advance their share of the Federal revenues and thus affords them an opportunity to make long-term plans, a procedure that is not now feasible under the present program of Federal grants-in-aid made on a year-to-year basis. The President pointed out in his message:

Since the fund would grow in a steady and predictable manner with our growing tax base, this arrangement would make it easier for state and local governments to plan intelligently for the future.

The second innovative feature of such a program, it seems to me, is that this amount of Federal revenue to be shared with the States is offered with no strings attached and without restrictions. State and local governments could use these resources for their own purposes. Thus States and municipalities having determined their own needs and requirements—and they are much better able to determine these needs and requirements than a central Government in Washington—could spend these revenues without restriction for services and programs of their own choosing.

I believe that the President's proposal opens a new and continuing source of revenues to State and local governments and, at the same time, gives these State and local officials the needed flexibility in planning and spending these revenues to meet the needs of their citizens.

Mr. PEARSON. Mr. President, I am pleased to join with the senior Senator from Tennessee (Mr. BAKER) and others in introducing the administration's revenue-sharing proposal. The principal features of this proposal reflect the basic formulas and specifications which were a part of the legislation, S. 2948, intro-

duced in the 91st Congress of which I was also a cosponsor.

#### NOT A NEW IDEA

Contrary to the claims of the detractors of revenue sharing, this idea is by no means new. The Federal Government already shares some portion of the revenues it derives from the sale of public lands, from grazing leases and permits, and from the use of national grasslands, et cetera, with State and local governments. In some instances, no specific purpose is prescribed by law on the use of these shared revenues; in others, they are restricted to use for particular purposes such as public education, roads, or other internal improvements.

A form of Federal tax sharing with the States actually was in operation under provision of the Surplus Distribution Act of 1836. This legislation temporarily provided that all the money in the U.S. Treasury on January 1, 1837, with the exception of \$5 million, has to be deposited with the States in proportion to their respective representation in the Senate and in the House of Representatives. These deposits were to be made in four quarterly installments, and three of these installments were made. The fourth was not, because of the financial crisis which arose near the end of 1837.

In this century, congressional attempts to secure Federal tax sharing legislation extend at least as far back as 1949. Early that year, a fellow Kansan, former Republican Representative Errett P. Scrivner of Kansas City, introduced a bill in the 80th Congress which would have authorized Collectors of Internal Revenue to transfer to State treasurers, on a quarterly basis, 1 percent of the Federal individual and corporation income tax collected within these States. Such shared revenues were to be used by the States for "educational purposes only without any Federal direction, control, or interference." While Congress failed to take action on this measure, repeated attempts have been made since that time to secure some form of Federal revenue-sharing legislation.

#### RECENT ACTIONS

In recent years, one leading advocate of Federal tax sharing with State and local governments has been Dr. Walter W. Heller, former chairman of the President's Council of Economic Advisers during the Kennedy-Johnson administrations. In 1964, both presidential candidates endorsed this proposal as a means of giving State and local governing bodies additional financial assistance, and President Johnson appointed a task force to study the merits of Federal revenue sharing. Although the report of this task force was never made public, it is known that the report was favorable.

Also, revenue sharing was endorsed in 1968 by both presidential candidates and by both political platforms. Over 100 different revenue-sharing bills were introduced during the 90th Congress, and almost this number were introduced in the 91st. Already, several such proposals have been introduced in this 92d Congress in both the House and the Senate.

We have heard much about how the

administration's proposal will have rough sledding in the Congress and we already know who the major opponents of this plan are. But this fact must not be overlooked: The concept has the overwhelming support of the American people.

A Gallup poll of the Nation's adults conducted January 9-10 of this year finds 77 percent of the public in support of the concept of revenue sharing, with only 14 percent opposed; 9 percent did not express an opinion. What is particularly significant in Dr. Gallup's findings is that this support cuts across party lines: Republicans favor it by 81 percent; Democrats, by 77 percent; and independents, by 73 percent. Revenue sharing is supported by the vast majority of Governors and mayors also, regardless of political affiliation.

Mr. President, the time has come to begin the process of turning power and resources back from Washington to the people in the States and localities from which that power originally came. Self-determination is the key word in our Republic. Our system of government is the best on the globe because it leaves local decisions to local authorities. It is people in individual communities who require basic services. They foot the bill, and in return expect certain standards of service from those they pay to serve.

But the power and authority—or self-reliance—of local government has eroded to a dangerous point. As the central Federal Government has grown in power and authority, the State and local governments have diminished. Local elected officials—those closest to the electorate—are hard pressed to perform up to their capabilities for one major reason: lack of adequate funds.

Our federal system has served us well, but we need to design better systems for delivering Federal program assistance. As our domestic problems grow more complex, the solutions do not lie in a single Central Government in Washington. The solutions lie in renewing the capacities of the other levels of government to make the most effective use of our resources and to provide machinery that can respond effectively and directly to problems as they arise. Americans are not only frustrated with the performance of governmental institutions, but also with the unresponsiveness to local concerns.

I see little letup in future needs of State and local governments in this decade. The demands on local governments and the rising costs of Government services are severely straining local budgets. We are facing a local government fiscal crisis which threatens the domestic problem-solving fiber of our Nation.

True and meaningful help to those hard-pressed local governments can come through Federal revenue sharing.

The major characteristics of the administration's revenue sharing proposal are:

First. It is simple. It is set up to work without the need for any new Federal agency or bureau. The operation is spelled out clearly and specifically in the law; the money is distributed on the basis of census data and other readily available objective statistics.

Second. It has no strings. The State

and local governments are free to exercise their own discretion over the use of funds. There are no Federal strings tied to the money.

Third. It is automatic. The States and localities can count on the revenue sharing in their own fiscal planning. The money for revenue sharing is automatically available each year. The annual amount is geared to the growing personal income tax base of the Nation.

Fourth. It is fair. The funds go to every State, every city, and every county in the Nation. All areas are included—urban and rural, large and small, rich and poor, industrial and agricultural.

Fifth. It is neutral. The State-by-State distribution is based primarily on where people reside. The allocation among the governments within a State is based on the existing distribution of financial responsibilities among the various units of government, as decided in each area.

Sixth. It is basic to the new federalism. Decisionmaking power over the funds as well as the money itself is returned to State and local governments.

The new administration proposal introduced today has some significant changes added. In addition to specifying a substantially more generous total appropriation for revenue sharing, this bill also provides for a much larger allocation to local governments. Also, an incentive feature has been added to encourage the formulation of intra-State distribution procedures more closely in line with each State's particular requirements.

As the President pointed out in both his state of the Union address and his message on revenue sharing, this bill has another added feature which includes the safeguards against discrimination that accompany all other Federal funds allocated to the States. Section 1101 of this bill provides as follows:

No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with general revenue sharing funds.

In my estimation, this is a very important added provision and one which I welcome.

Mr. President, I am pleased to be listed as a cosponsor of this bill and urge its speedy enactment by the 92d Congress.

#### REVENUE SHARING: THE ADMINISTRATION'S PROPOSAL AND ITS ALTERNATIVES

Mr. HARTKE. Mr. President, I would first like to make a brief comment on the statement made by the Senator from Tennessee concerning the question of revenue sharing. The Senator from Tennessee has not only demonstrated his interest in this program, but also has done an excellent job of presenting the President's program. I might say that I am not necessarily completely enthusiastic with the approach the President uses, but I believe the Senator from Tennessee has done as good a job as can be done in presenting that problem and program for the benefit of the Senate.

Now I want to talk about revenue sharing: the administration's proposal and its alternatives.

Mr. President, on February 4 the administration sent a major portion of its proposed revenue-sharing plan to the Congress. I am advised that the complete proposal will be in front of us in a short while.

Although not fully before the Congress, the administration's proposal is already thought to be in serious difficulty. Influential critics in both the Senate and the House—and in both political parties—have expressed reservations concerning both the plan's goals and, perhaps more importantly, the methods it would use to obtain these goals. Viewed by the President as the basic fiber of a new federalism, its detractors insist that it holds out no substantial promise to our fiscally beleaguered States and cities. Unsure that the present Federal relationships are in need of drastic overhaul, but apparently certain that the President's plan is the wrong way to ease the gathering money troubles of our States and cities, the opponents of revenue sharing appear ready to deal it a summary defeat.

It is my purpose today to examine both sides of this important question in the hope that some helpful light may be shed on a subject which has already generated an impressive degree of heat.

In his wide-ranging state of the Union address, the President introduced his remarks on revenue sharing by declaring that—

The time has now come in America to reverse the flow of power and resources from the States and communities to Washington, and, more important, to the people all across America.

The President then proposed that this reversal be accomplished by the enactment of a plan of revenue sharing historic in scope and bold in concept. In its first year, the administration's plan would send \$16 billion back to the States and localities. Of this amount, \$5 billion would be in new and unrestricted funds, while \$11 billion would be earmarked for six broad purposes—education, law enforcement, transportation, rural development, job training, and urban development—with the States and localities given discretion as to how these funds should be spent within the subject areas.

The administration states that the \$5 billion in new money—"general purpose revenue sharing" as it is styled—will have no restrictions imposed on its use and will increase in amount through the years as the Federal personal income tax base, to which it is tied, expands. The remaining \$11 billion is for special purpose revenue sharing and its use is restricted only to the extent that it must be expended in the very broad subject areas indicated. For the purpose of clarity, it should be understood that the revenue sharing bill introduced by the distinguished Senator from Tennessee (Mr. BAKER) on February 4, and discussed by him earlier today, deals only with the question of general purpose revenue sharing; special purpose legislation has yet to be introduced.

That the President has advanced a

popular proposal, there can be little doubt. A recent Gallup poll—released on January 23—reported that 77 percent of those interviewed felt the Federal Government should return a portion of its revenues to the States and local governments to be used by these State and local governments as they see fit. Only 14 percent of those questioned opposed this proposition and 9 percent had no opinion. Opponents of revenue sharing believe the Gallup study—and others like it—are misleading since the idea's popularity, they say, rests on a misconception: that revenue sharing constitutes in their opinion an essentially painless way to meet State and local fiscal problems. They argue that if poll inquiries were worded more carefully, the average taxpayer would be less taken with the idea of revenue sharing.

Would the concept put forward by the President enjoy the same broad support, they ask, if the question were, "Should Federal income taxes be kept above Federal needs so that tax sharing with the States should be carried out?" Critics believe the response to that type of question would show that the general public's enthusiasm for the concept wanes in direct proportion to its knowledge. Which is to say that when the average person understands that tax sharing and tax relief are not synonymous, his infatuation with the idea will quickly fade. In this regard it should be noted that only the most fervid supporters of tax sharing seriously contend that it would result in lower State and local taxes for the average taxpayer. What distinguishes revenue sharing, then, is not its very limited potential for tax relief but the fact that federally raised tax revenues would be distributed to the States and localities with no strings attached.

Critics of the President's proposal contend further that the simple sharing of Federal revenue is neither bold nor historic. They point out that the Federal Government will this year share more than \$30 billion in revenues with the States and localities through its system of categorical grants, and it is expected that figure will increase to \$38 billion in fiscal year 1972. Currently, grants-in-aid account for almost 20 percent of total State and local revenues, and this figure, too, will increase next year. They further allege that any discussion of revenue sharing should also take into account the impact the Federal Government has on State and local revenues as the result of its status as this country's largest employer, its greatest industry, and its most important general contractor.

In point of fact, it is argued, the Federal Government adds far more than \$30 or \$38 billion to the revenues of the States and cities; rather, the figure more closely approximates \$150 billion when Federal employee salaries, social security and veterans' benefits, defense contracts, and all the other relevant expenditures which aid the State and local revenue picture, are considered.

#### THE DISPUTE OVER GRANTS-IN-AID

The start of the grants-in-aid system can be traced back to 1862 and the enactment of the Morrill Act to assist the

States in establishing and maintaining land grant colleges. Today, it is estimated there are more than 400 separate grants-in-aid categories. Like the programs which have followed it, the Morrill Act imposed restrictions on grant use designed to insure that the purposes of the programs were followed. Thus, the Morrill Act established the pattern for today's grants-in-aid: Federal resources are provided to the States in exchange for the acceptance of Federal regulations designed to implement stated national goals.

Presently, grants-in-aid serve as a focus for the debate over revenue sharing. Supporters of the concept within the administration plainly view most grants-in-aid with suspicion, and argue that they could be better administered by the governments closer to the people. In his budget message, the President declared:

The results of grant programs have occasionally been impressive. But the grant structure has become a haphazard collection of hundreds of separate programs, each with its own requirements and procedures, and its own funding.

It is not enough, then, that Federal revenue simply be shared with the States and communities through grants-in-aid programs. What the President and other administration advocates of revenue sharing seem to require is that Federal supervision of these funds be reduced or eliminated altogether.

#### THE CASE FOR A MORE EQUITABLE DISTRIBUTION OF FEDERAL REVENUES

It has become painfully clear in recent years that many States and localities are finding it difficult—and in some cases impossible—to meet their basic expenditure requirements. In some States—and many cities—traditional governmental services and activities are being cut back in response to a demand for services which has outrun all increases in State and local revenues.

Last week, Gov. Milton Shapp of Pennsylvania indicated that his State would run out of revenues in March if there were no enactment of a State income tax. The Governor warned that failure to develop new sources of State revenue would result in drastic cutbacks in the subsidies provided Pennsylvania public schools and in essential police services.

In Cleveland, Mayor Stokes reports that the city's garbage collections have been curtailed due to its acute revenue problems.

The newly elected Governor of Connecticut, Thomas Meskill, has warned his State's taxpayers that Connecticut is "wallowing in debt."

For the first time since the depression years, New York City is laying off workers.

And it is reported that Pittsburgh may close its city hall as an economy measure.

A recent survey conducted by the Council of State Governments revealed that at least 18 States expected deficits this year, most of them substantial. The cities are in even worse shape. Mayor John Driggs of Phoenix believes the cities are on the verge of fiscal collapse. And Mayor Lindsay of New York warns that—

The sickness of the cities must spread like cancer to the suburbs.

The Federal Government, on the other hand, has fared better since its revenue raising capability—thanks to the enormously efficient Federal income tax—has kept its revenues roughly equal to its growth-related expenditures. It should be noted, however, that this general equivalency will suffer a sharp setback this fiscal year because of the expected Federal deficit which may well exceed \$20 billion, and also in fiscal 1972 when a deficit occurs which the administration predicts will be \$11.6 billion—and some fear may be twice that amount. In the meantime, it is estimated that the gap between State and local revenues could reach \$100 billion by 1975.

Statistics such as these convince all but the most committed opponents of the revenue-sharing concept that some plan must quickly be agreed upon to meet the fiscal difficulties of the States and cities.

#### THE ADMINISTRATION'S REVENUE-SHARING PROPOSAL

The revenue-sharing concept proposed by President Nixon is generally thought to have had its origin with Walter Heller, currently a professor of economics at the University of Minnesota and formerly Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson. In 1960, Dr. Heller advanced what came to be called the "Heller plan" for sharing revenue in those years when a fiscal surplus developed. Dr. Heller continued to support revenue sharing throughout his tenure as Chairman of the CEA, but it was not until 1964 that the plan was given serious attention. At that time, the prospects of a budgetary surplus seemed bright, and President Johnson set up a task force, including representatives of both Government and industry to study the merits of the plan. Although the results of this study were never made public, it is known that the task force viewed the idea favorably.

The chairman of that task force, Dr. Joseph A. Pechman, director of economics at Brookings Institution, has since collaborated with Dr. Heller on what has come to be known as the "Heller-Pechman plan" for revenue sharing. In August 1967, they appeared before the Subcommittee on Fiscal Policy of the Joint Economic Committee, and laid out the details of their plan which, as will be seen, is parallel in concept to the proposal advanced by the President. Because of its importance to any revenue sharing discussion, I believe excerpts from that testimony should be quoted at some length:

Revenue sharing is intended to allocate to the states and local governments, on a permanent basis, a portion of the very productive and highly 'growth-elastic' receipts of the federal government . . .

The core of the revenue-sharing plan is the regular distribution of a specified portion of the federal individual income tax to the states primarily on the basis of population and with few strings attached. This distribution would be over and above existing and future conditional grants.

The federal government would each year set aside and distribute to the states an

eventual 2 percent of the federal individual income tax base . . .

The sums collected for the states would be placed in a trust fund from which periodic distributions would be made . . . The federal commitment to share income tax revenues with the states would be a contractual one in the sense of being payable—at whatever percentage Congress provided—through thick and thin, through surplus and deficit in the federal budget. . . .

The states would share the income tax proceeds on the basis of population. Per capita sharing would transfer some funds from states with high incomes—and therefore high per capita income tax liabilities—to low income, low-tax states. If the modest equalization implicit in per capita sharing were deemed too limited, a small portion of the fund could be set aside for supplements to states with low per capita income or with a high incidence of poverty and dependency.

Whether to leave the fiscal claims of the localities to the mercies of the political process and the institutional realities of each state or to require a pass-through to them is not an easy question. . . . We now conclude that the legitimate—and pressing—claims of local government require explicit recognition in the basic formula of revenue sharing.

Constraints on the use of the funds would be much less detailed than those applying to conditional grants. However, the funds would not be available for highway construction, since there is a special federal trust fund for its own earmarked revenue sources for this purpose. An audit of the actual use of the funds would be required, as well as certification by the appropriate state and local officials that all applicable federal laws, such as the Civil Rights Act, have been complied with in the activities financed by the grants.

The first revenue-sharing proposal by the Nixon administration was introduced in August of 1969 and, as indicated, drew heavily on the Heller-Pechman plan for its content. This bill, which serves as the essential foundation for the legislation now before the Congress, contained the following five important principles which remained unchanged in the current proposal:

First. An automatic annual appropriation of a specified percent of Federal income tax revenues.

Second. Annual distribution to the 50 States of Federal revenues according to a formula based primarily on population.

Third. A mandatory pass-through of funds from each State to its local governments.

Fourth. Inclusion of all general purpose local governments in the pass-through.

Fifth. No program or project restrictions on the use of funds.

In addition, the pass-through provision of the 1969 bill provided that the amount of Federal revenues received by the localities would be based on the proportion of individual local government revenues to the total amount of State and local revenues in the State.

Hearings were not held on the administration proposal during the 91st Congress, because, it has been said, of the crush of business in the Senate Finance and House Ways and Means Committees.

Now the administration has sent a major portion of its new revenue-sharing proposal to the Congress, and although the legislation is very similar to

that which died last session, certain important changes are apparent. Chief among these is the modification which would increase from 30 to 50 percent the proportion of Federal funds available to local governments. Also significant is the provision offering an incentive of 10 percent of a State's revenue-sharing proceeds, to encourage the individual State and its local governments to negotiate together and agree on a distribution of shared funds.

#### THE CASE IN FAVOR OF THE PRESIDENT'S PROPOSAL FOR REVENUE SHARING

It bears restating at this point that the President's proposal represents but one of the methods by which Federal tax revenue can be shared with the States and localities. As I have indicated, in excess of \$30 billion is presently shared directly with the States in the form of categorical grants-in-aid, and a much larger sum indirectly due to the Federal Government's very size and influence on the economy.

With specific reference to the President's plan, its proponents candidly admit that the crux of their proposal is not found in the relief it would afford the crisis-ridden States and localities, but rather the effect it would have on present Federal relationships. More important to them than the revenue which the plan would bring the States and cities, is the knowledge that their legislation had struck a first blow at the Federal bureaucracy—a bureaucracy which they view as bloated and largely unresponsive to the needs of our changing society.

Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy and the principal architect of the administration proposal, believes that revenue sharing represents "an important step toward decentralizing American government." Interviewed in the February 1971 issue of *Banking*, Weidenbaum indicated that decentralization was the chief motive behind the Nixon proposal. The President himself has repeatedly implied that revenue sharing is the vehicle by which the influence of the Federal Government in the affairs of the States and cities can best be restrained. In the message accompanying his 1969 proposal, the President declared—and no doubt still believes—that "a majority of Americans no longer supports the continued extension of Federal services. The momentum for Federal expansion has passed its peak; a process of deceleration is setting in." Revenue sharing, the President believes, is the natural complement to this "process of deceleration."

In addition to the decentralization of Federal power, which is obviously a dominant consideration with the President and his advisers, they also believe their plan represents a logical answer to the fiscal troubles of the States and cities. Quoting from the February issue of *Banking* once again, Mr. Weidenbaum states:

Revenue sharing (also) enables the strength and efficiency of Federally collected revenues to be directly applied to our most pressing domestic needs. It is state and local government, not Washington, which has to grapple with the demands for better law enforcement, transit systems, sanitation,

health care. Enhancing the ability of our local institutions to meet these demands is clearly a matter of national importance.

An additional argument made for the administration proposal by Mr. Weidenbaum is that it constitutes "the most effective, straightforward method available for applying national resources to help meet the burden of public civilian needs." While admitting that billions of dollars in Federal grants-in-aid funds are already shared, he argued that the grants-in-aid system is a "hopelessly uncoordinated tangle" of programs. Revenue sharing, on the other hand, would involve no Federal overhead and every dollar appropriated would go directly to the source of need. Important administrative savings would be realized.

These are the principal arguments put forward by the administration for its proposal. What of the arguments on the other side?

#### THE CASE AGAINST THE PRESIDENT'S PROPOSAL

Those opposed to the administration plan are generally agreed that a fiscal crisis plagues the States and cities, but they are not at all sure that the President's proposal is the best way to meet the problem.

Many of its opponents take particular offense at what they consider the unfair, and unnecessarily strident, criticism of the existing relationship between the Federal Government and the States and localities. In particular, they are upset with the current criticism of the grants-in-aid programs and the prospect that the entire grant-in-aid system may be abandoned in favor of block grant-type assistance. Although quick to admit that many grants-in-aid have been poorly administered they contend that scant evidence exists to show that State and local administrators would do better.

An example in point, they say, is urban renewal where the original goal of helping the slum dweller obtain adequate housing has now been largely subverted in favor of rebuilding downtown business districts. From this they argue that the failures of urban renewal are not the failures of the Federal Government but the unwholesome result of pressures from State and local governments to spend Federal tax dollars on the wrong things. While it is true, they say, that the government closest to the people is in a better position to understand their needs, it is likewise true that these governments are more susceptible to political and other unwholesome pressures.

They also contend that while the Federal income tax is indeed a very efficient method of raising revenues, it would be unwise—and perhaps even prohibited under the Constitution—to transfer Federal tax dollars from the Federal Government to the States without maintaining some Federal supervision over the expenditure of these funds. Basic to this objection is the traditional feeling that the responsibility for raising taxes should not be separated from the act of spending tax revenues.

Interestingly, many opponents of the President's plan are more distrustful of his suggestions relating to "special purpose revenue sharing" than they are about no-strings attached "general re-

venue sharing." Not only do they see special use revenue sharing as a specific threat to the entire grants-in-aid concept, but they are also fearful that this block grant approach to Federal aid will strengthen the power of the States to the detriment of the local governments. In support of this contention, they cite the block grants currently made by the Justice Department to the States under the Law Enforcement Assistance Act as a pertinent example of how block grants can be used to strengthen the hand of the States at the expense of the cities.

Designed as a way to "put Federal money where the crime is," LEAA's detractors argue that State agencies have failed generally to fairly distribute Federal crime-fighting funds to the cities where the need is greatest, but rather have spread it thinly across their States in response to compelling pressures from their rural and suburban constituencies. They believe the same inappropriate distribution is bound to develop under the administration's special revenue-sharing proposal.

In light of this criticism—and especially in view of the considerable influence of those who have advanced it—I think it is essential that we not lose sight of that one broad area of agreement; namely, that a serious fiscal problem does exist. Almost all those concerned in the present debate over the administration's proposed plan agree that our States and cities are marching in steady fashion toward fiscal crisis. Some have already reached the crisis point. More soon will.

If, after careful and exhaustive hearings, the administration's proposal should be found lacking, this should not end the search for a workable answer to the problems of our States and cities. Alternative methods for sharing Federal revenue should then receive the same careful scrutiny.

If exploding welfare costs are found to be a primary cause of our local governments' fiscal discomfort, then perhaps serious thought should be given to complete federalization of the welfare system.

And if true that the fear of losing business to another jurisdiction "haunts the mind and stills the pen" of the hapless State and local lawmakers who would increase taxes, then perhaps a tax credit is in order which would allow a taxpayer to set off local levies against his Federal tax, and thereby encourage States and localities to strengthen their own tax system.

And if the matching cost of present Federal grants-in-aid programs are found to be more than the average State or municipality can be expected to bear, then perhaps they should be reduced or eliminated altogether.

These are but a few alternatives to the current proposal which come quickly to mind. Certainly there are more.

In the last few days there have been some encouraging indications that the administration—in recognition of the powerful opposition that its proposal has stirred up—will, in the future, indicate a greater willingness to talk about fiscal relief for the State and cities and less regarding the supposed inadequacies of the

Federal bureaucracy. If this proves true, it is entirely possible that an adequate compromise could be forged which would quiet congressional criticism and meet a very real problem. Mr. Joseph Kraft, the columnist, noted last week that until recently "Mr. Nixon and his associates have been sounding as though they have discovered in revenue-sharing a Protean prodigy born out of El Dorado by the Philosopher's Stone." Hopefully that attitude has now changed.

Perhaps the administration proposal will eventually be found to have all the advantages for the States and cities which are claimed for it.

For my part, Mr. President, I must regretfully conclude that the administration plan, as presently drafted, should not and cannot be enacted. Its defects so far outweigh its merits that to pass it in substantially its present form would be to move farther from, rather than nearer to, solution of those bitterly intractable social and fiscal problems which the idea of revenue sharing was conceived to meet.

As a consequence of that belief, I shall, before the end of this month, introduce the first elements of a comprehensive package of legislation designed to set us on the road to a definitive solution of the problems we all recognize to be most critical in the financing of State and local government.

My legislation will be so written as to weld the two great principles underlying the concept of revenue sharing into one concerted attack on the basic problems. Those principles are, first, that the Federal Government ought to assume a larger share of the fiscal burden of meeting problems that are truly national in scope, and second, that the States and localities should be fully accountable for the uses to which they put revenues received from the taxpayers of the entire Nation.

Mr. President, our problems are great but certainly not insoluble. The system of federalism, like the great and revolutionary idea which gave it birth, is worthy of our most dedicated efforts to preserve its vitality.

Revenue sharing is such an effort, and I am confident that the collective wisdom and good will of the Congress and the administration will bring about its successful enactment.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for 15 minutes.

#### U.S. ACTION IN OIL CRISIS

Mr. BELLMON. Mr. President one of most extraordinary negotiations in history is entering its final stages in Tehran this week. I refer to negotiations between members of the Organization of Petroleum Exporting Countries—OPEC—and representatives of 15 Western oil producing companies over the price of crude oil for export. Apparently, some Members of the Senate have succeeded in calling the attention of the Middle East governments to the fact that

they have been selling their oil too cheap. Their governments are now striving to correct the situation.

Mr. President, one of the most unusual aspects of the negotiations is the presence of a team of officials from the U.S. Government led by John N. Irwin II, Under Secretary of State. The presence of these American officials seems to underscore the determination of our Government to force the governments of OPEC to sell their crude oil at the lowest possible price.

Mr. President, I protest this unprecedented and unholy involvement of our Government in a heavy handed act of neocolonialism which can only be resisted by and damaging to developing nations throughout the world.

For years this Government has presented an interest in helping to build the economies and improve the level of living of developing nations. Many billions of dollars of foreign aid have been spent largely in pursuit of this goal. Have we abandoned this effort? Do we wish the developing countries to remain forever dependent upon handouts?

For a large number of developing countries the only hope of sound growth lies in the development and sale of their natural resources. Many of these countries are single resource countries and that single resource is oil. Through the sale of their oil to industrial nations many countries—Nigeria, Syria, Indonesia, Iran, Venezuela, Saudi Arabia, Iraq, and many others—hope to earn the funds their governments need for better schools, better transportation facilities, better health programs, and more adequate diets for their people. If these funds do not come from oil sales, they must come from foreign aid.

Our Government should assist OPEC to sell oil at good prices. Are we? The answer appears to be exactly the opposite. Reports are that Mr. Irwin and his team are working hand in glove with officers of the big international oil companies to force OPEC to sell their single resource at bargain basement prices.

Evidence of this position is made clear in a report published in the February 1, 1971, issue of the Oil & Gas Journal which says:

U.S. to come to aid of West Europe if oil cut off. The U.S. State Department last week pledged to come to the aid of West Europe if Middle East producing countries curtail oil exports to back up price demands. The federal interagency committee kept up its close scrutiny of Middle East developments, meanwhile, ready to invoke emergency machinery if needed.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the full text of this article and an article published in the Christian Science Monitor of February 5, entitled "Western Oil Firms Get Ultimatum."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. BELLMON. Mr. President, our Government is bluffing. It is making a promise it cannot keep. There is not now present in this country the shut in crude

oil producing capacity needed to replace oil from the Middle East. This Nation's oil production capability is already being operated at virtually full capacity and substantial crude oil shipments from this country to Western Europe would mean an immediate rationing of usage here.

Mr. President, our Government's position in this negotiation is baffling to me. Most of the crude oil from the Middle East goes to Japan and Western Europe, two of our greatest competitors for world trade. Our efforts to force giveaway prices for this oil enables these industrial competitors to enjoy an advantageous price for the energy which fuels their industries.

From both humanitarian and economic considerations our position should be one of encouraging OPEC to receive a good price for their crude oil so that these nations can become economically strong and independent, and so that the energy subsidy Japan and the industrial nations of Western Europe have enjoyed can be ended.

I call upon our Government officials to pack up and come home. Their presence at the negotiations can only serve to intimidate and alienate OPEC governments. We should help, not harm, these nations' efforts to help themselves.

#### EXHIBIT 1

#### UNITED STATES TO COME TO AID OF WEST EUROPE IF OIL CUT OFF

The U.S. State Department last week pledged to come to the aid of West Europe if Middle East producing countries curtail oil exports to back up price demands.

But, officials noted, they do not expect negotiations to break down. They are therefore hopeful international oil flows will not be further disrupted.

State officials are most confident of a settlement with Persian Gulf countries. The trouble spots are Libya, which continued to talk tough last week while expressing optimism, and Algeria, in the Washington view.

The federal interagency committee kept up its close scrutiny of Middle East developments, meanwhile, ready to invoke emergency machinery if needed.

#### WORST POSSIBILITY

The worst that will happen, in the opinion of emergency planners, is the loss of production from Libya (3,100,000 b/d) and Algeria (1,000,000 b/d). This would be a serious blow to European supply, since such a large amount of short-haul crude could not be replaced merely by shifting tankers and raising production elsewhere.

U.S. planners estimate about 20% of the Libyan and Algerian loss, 25% at most, could be made up by diverting tankers to the Persian Gulf-Western Europe run. To this 1,000,000 b/d, officials predict a like amount could be made available through the combined efforts of the U.S., Canada, and Venezuela. The U.S. and Canada could free some 750,000 b/d of Middle East oil for shipment to Europe by substituting hemispheric supplies.

But, with the current tight world tanker situation, even with realignment of shipping schedules, it appears that no more than half the potential 4,000,000 b/d loss could be made up.

North Atlantic Treaty Organization countries are pledged to cooperate in this way to cope with emergencies, whether military or economic.

In Washington, official emergency apparatus is described as being in standby readi-

ness. This is the status of the emergency petroleum supply committee, the foreign petroleum supply committee, and the security subcommittee which government and industry could activate in a matter of days.

Planners have a program all set up for arranging optimum supply and transportation schedules, as soon as new information is fed into computers.

The U.S. and Western Europe could get by, but not without considerable strain and extra cost for longer hauls. Publicly, they do not expect to put emergency plans into action. But privately, preparations are going ahead, just in case.

#### WESTERN OIL FIRMS GET ULTIMATUM

(By John K. Cooley)

BEIRUT, LEBANON.—Ten oil-producing countries have given Western oil firms until Feb. 15 to meet their demands for higher prices.

If they don't acquiesce the members of the Organization of Petroleum Exporting Countries (OPEC) say they will raise their prices unilaterally.

The oil companies subsequently expressed a willingness to reopen talks which collapsed after two weeks of negotiations with OPEC governments in Tehran.

The Shah of Iran earlier indicated that the dispute over oil prices might lead to a cutoff of much of the Western world's petroleum supplies.

Persian Gulf states should take "simultaneously all legal and legislative measures" to increase their share of oil revenues, the Shah said in a speech to the upper house of the Iranian Majlis (parliament).

#### VENEZUELA SETS EXAMPLE

Venezuela set an example to the other nine OPEC members—Abu Dhabi, Algeria, Indonesia, Iran, Iraq, Kuwait, Libya, Qatar, and Saudi Arabia—by passing laws raising the tax rate on crude production from 52 to 60 percent last fall.

In the ruptured negotiations, the oil companies had given way to OPEC's desire that the talks concern only Persian Gulf countries and not North African or other production.

Company spokesmen contended that the companies' best offer would have added \$700 million to bridge countries' revenues in 1970, rising to an additional \$1.6 billion in 1975.

In his speech the Shah proposed that the gulf countries also should "secure the stability and assurances sought by the consumer countries."

At a news conference, he spelled out the possibility of a cutoff of supplies:

"Once we [the OPEC states] reach a collective decision, should there then be certain individuals who refuse to recognize our sovereignty, then the OPEC members will take the necessary decision. This might include cutting off the oil."

#### CASH RESERVES BUILT UP

Some states, such as Libya, have built up huge cash reserves and might afford a cutoff, oil experts here say. Libya, ruled since September, 1969, by a militant military regime, has increased its oil revenues more than 300 times since 1961 to about \$1.3 billion in 1970.

Other OPEC governments such as Iran with approximately equal revenues are spending as much or more than they earn for development and can ill afford an oil shutdown.

Another major question was whether Western governments could accept a cutoff, or whether the companies were willing to suffer the great damage to their profits this would entail.

Though the United States imported only about 5 percent of its oil from the Mideast

in 1970, rising consumption, slowness in developing nuclear power and Alaskan and other oilfields, may raise this to as much as 15 percent in 1971, oil experts here estimate.

#### U.S. SUPPLIES AFFECTED

Western Europe imports about 75 percent of its oil from the Mideast. This also affects United States supplies and prices because the oil trade in Western Europe is largely geared to the distribution and marketing systems of the American and British oil companies.

According to figures developed by the Middle East Economic Survey newsletter here, proven oil reserves of the Arab countries in 1969 to 1970 exceeded 325 million barrels or about 62 percent of the world total and 70 percent of that of the non-Communist countries.

Production of the Arab states and Iran together would account for around 40 percent of the total world production including the Communist bloc and close to 50 percent excluding it.

#### POLITICAL WEAPON, TOO

Arab states have used oil as a political weapon against the West on three occasions. Iraq cut off supplies to the Haifa refinery a month before proclamation of the State of Israel in 1948.

During the Suez war of 1956, oil supplies were interrupted when the Western-owned Iraq Petroleum Company (IPC) pipelines to the Mediterranean were blown up in Syria.

During and after the 1967 Arab-Israeli war, several Arab producer states imposed a temporary embargo on shipments to the United States, Britain, and West Germany.

Use of oil resources as an economic weapon to get better terms from Western companies has been attempted occasionally in the Middle East.

Iran nationalized its oil industry under the premiership of Muhammad Mossadeq in 1951, and political conflict with the West resulted. In 1954 the Shah left the country and then returned to reach agreement with the consortium of eight major companies which still dominate Iranian production despite growth of Iran's own National Iranian Oil Company (IPC).

#### LAW PROMULGATED

Iraqi dictator Abdel Karim Kassem in 1961 promulgated a law depriving the IPC of 95 percent of its unused concession areas including the rich North Rumaila field. Soviet interests now are preparing to develop North Rumaila as financial and technical backers as well as importers.

In 1966 Syria interrupted IPC oil crossing its territory because of a dispute over transit revenues with IPC. Iraq, the producer country, suffered most.

The initiative for curtailment or interruption of oil has nearly always come from countries which had the least to lose. In 1956 it came from the Syrians and in June, 1967, from Syria and Egypt, both small producers themselves.

### S. 681—INTRODUCTION OF THE "STATE ENVIRONMENTAL CENTER ACT OF 1971"

Mr. BELLMON. Mr. President, I am today introducing a bill to authorize establishment of a series of environmental laboratories and research centers within the various States and regions of the Nation, pursuant to the policies and goals established in the National Environmental Policy Act of 1969. I ask that the bill be appropriately referred.

The ACTING PRESIDENT pro tem-

pore (Mr. METCALF). The bill will be received and appropriately referred.

The bill (S. 681) to establish environmental laboratories within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969, introduced by Mr. BELLMON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, results of a recent nationwide public opinion survey show that environmental degradation is today the leading concern of the American people, ranking ahead of the Vietnam war, the state of the economy, and the problems of crime and violence.

This is a remarkable finding and must surely mark the first time in history that the people of this Nation have placed greater emphasis on the quality of their lives and surroundings than on any other aspect of human existence.

This great upsurge of public concern for the environment comes none too soon. We have abundant evidence of a deteriorating natural environment. Fortunately this public awareness has come in time, and I believe we will solve the complex problems threatening our Nation and the world with ecological disaster if we act now.

I compliment President Nixon for having sent to Congress his statements on the environment and his recommendations for action, and I ask unanimous consent to have a newspaper article which describes these recommendations by the President printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. BELLMON. The quality of our lives is directly related to the quality of our environment. A rapidly growing population and expanded industrial production which makes possible our high standard of living place increasing demands upon our environment. The hope of the future lies in our ability to understand the potential consequences of our actions, to utilize our knowledge to repair the damage already done, and to prevent further deterioration of our environment.

For many months now, we have been cognizant of growing concern for the environment. Congress has acted with the passage of many pieces of important legislation—with the Water Quality Improvement Act, the Environmental Quality Improvement Act, the National Environmental Policy Act, and many more.

Mr. President, by these legislative measures, Congress has adequately stated its belief that the American people are entitled to a quality environment and has shown its intent to improve the quality of the environment. Unfortunately, we have not yet backed up those beliefs with adequate funding to assure a quality environment; and not yet have we provided means to gather the necessary data or develop the necessary technological and monitoring capabilities to carry out the intent of Congress.

The bill I am introducing is intended to provide us with both the data and the technological expertise to restore and maintain the quality of the environment through the establishment of a series of environmental laboratories, research, and monitoring centers.

Just one year ago, the Environmental Studies Board of the National Academy of Sciences and National Academy of Engineering published the findings of a special study group. This report is entitled "Institutions for Effective Management of the Environment." One of the major recommendations resulting from the study was for the establishment of environmental laboratories to carry out basic, applied and mission-oriented research programs, essential to the restoration and preservation of the environment.

Many Government agencies concerned with environmental matters conduct a variety of research programs, but with very special, limited aims and with almost no cohesion. There is no Federal facility, and probably none outside the Government, which conducts broad-spectrum, interdisciplinary research on the environment as a whole. Each agency studies its own particular problem or area of interest.

It was the finding of the Environmental Studies Board that all research efforts now going on at the Federal level are inadequate from an ecological point of view.

The quality of environment varies within our 50 States—some regions of the Northwest and Southwest enjoy a relatively high quality environment; whereas, others such as the Northeastern States, Great Lakes States, and west coast have repeatedly faced major environmental tragedies. Many environmental problems are national or regional in scope, but many localized problems also exist. Irrespective of the scope of the problem, the environment cannot be effectively managed without knowing what it was, what it is, and what it can become.

Mr. President, we have been slow to accept the concepts of ecology—slow to apply to the natural environment the scientific principle that for "every action there is an equal and opposite reaction." I believe we do now understand that all aspects of the environment are interdependent and that changes in one component necessarily bring about changes in others. Still, many of today's environmental efforts are directed toward a single component without due regard for the others.

If Congress is to succeed in its dedication to restore and maintain a quality environment, we must provide the vehicle and the financing necessary for treating the environment as a total system, for thoroughly understanding our environment and the probable results of our environmental-related actions, for developing reasonable and rational environmental standards, and for finding solutions to the complex questions for which we now have no answers.

This proposed legislation will serve all these purposes. It has three major pro-

visions. First, it provides for the establishment of a qualified environmental center in each State; or at the option of the participating States, establishment of a regional center to serve a group of States. Second, it requires that each center combine and coordinate the interdisciplinary and interinstitutional research capabilities within its area and arrange for consortium of institutions to conduct competent research. Third, it provides Federal funding of not less than \$500,000 per year to each center with additional funds available on a matching basis.

The educational institutions and industries in all parts of the Nation collectively represent a substantial capability in the environmental sciences. The individual specialists within each of these are presently conducting significant research. But it is generally limited to narrow confines and there is little or no coordination of the various efforts and little or no transfer of information.

This legislation will, for the first time, provide the means of marshalling the greatest talents and expertise available in every section of the Nation in the battle for a quality existence. Each environmental center will be charged with the responsibility of seeking out the most knowledgeable persons in colleges and universities, in private industry and in governmental agencies at all levels to form interdisciplinary teams and to create inter-institutional arrangements necessary for understanding and treating the total environment.

Each center will be able to direct and coordinate independent efforts; and will be able to bring together State and regional capabilities to solve problems peculiar to that region. Additionally, the State and regional organizational structure will place the talents and expertise "on location" where environmental changes can be directly monitored and observed, and where action can be initiated to prevent environmental destruction.

The bill I introduce is patterned after the Hatch Act of March 2, 1887, Public Law 84-352, relating to the appropriation of Federal funds for State agriculture experiment stations, and the Water Resources Act of 1964, Public Law 88-379, relating to appropriation of Federal funds for State Water Resources Research Institutes. It provides that maximum responsibility be given to State environmental centers, and yet permits reasonable and responsible control by the Federal governmental agency over expenditures of public moneys.

Mr. President, no program in our Nation's history has provided greater benefits to the American public than the public moneys spent on agricultural research through the Cooperative State Research Service—CSRS. This program is one of the major reasons we are the best fed Nation on earth and that the productivity of our farms is unexcelled.

Americans now spend only 5 percent of their disposable income for the farm-supplied ingredients in food. This percentage, the lowest in the world, is possible because of a carefully planned effort to raise farm productivity through

research. Agricultural experiment stations have demonstrated that public investments in obtaining new knowledge can provide a vast economic payoff. The investment has been an efficient way to expand the food supply and provide security against drought and pestilence both at home and abroad.

One example was development of aphid resistant alfalfa varieties which returned \$60 for each \$1 invested. Screw worm fly control has returned \$10 for each \$1 invested. Numerous such success stories can be cited. Estimates of the rate of return on all investment in research of agricultural experiment stations range from 50 percent on up to 400 percent.

Each farmworker today supplies food and fiber for nearly 50 persons. Or expressed in a term which is becoming more popular, 1 million farm decision-makers use research results to produce 90 percent or more of the agricultural output of our country. This means that only one farm decisionmaker is required for ever 205 people in our society. In 1887, when Congress passed the Hatch Act authorizing agricultural experiment stations, each farmworker supplied food for less than six persons.

It is clear that increasing farm productivity through research has freed millions of workers to provide the medical care, the cars and television sets, household appliances, and other conveniences that are part of our high standard of living.

Because the poor spend a higher proportion of their income on food than do others, lowering of the real costs of food and fiber through research has especially benefited those in low-income categories. Likewise, the poor can afford to do little about protecting their environment and it would follow that a lowering of the cost of an improved environment for the poor would be a special benefit to that segment of our population.

The success of the Cooperative State Research Service—CSRS—program has been based on two factors: First, a close Federal-State cooperative program with the agricultural experiment stations and, second, a close Federal-State cooperative extension program for the transfer of knowledge to the user—the farmer, the consumer, the agribusinessman.

Fundamental to the success of the program is the large degree of independence afforded the individual States and the individual research directors.

The establishment of agricultural experiment stations was a bold and forward looking program to improve capabilities to feed and clothe a nation. The same type of bold and progressive program is needed today to improve our capabilities to restore a nation. I believe this can best be accomplished through a series of environmental research centers, managed on a Federal-State cooperative basis and operated with the greatest possible degree of independence. This is one aim of this bill.

There is growing awareness at all levels of government of the complexity of environmental problems and the need for a broad approach to solve them. Al-

ready the Federal Government has moved to meet the challenge by consolidating several Federal agencies concerned with the environment by forming the Environmental Protection Agency.

During the last 2 years, the National Science Foundation, particularly through its Office of Interdisciplinary Research, has emphasized problems involved in environmental management and control. It has become obvious to us that we must treat the environment from an interdisciplinary approach involving sociology, economics, political science, management sciences, public administration, law, architecture, engineering, systems analysis, medicine and public health, agriculture, ecology, biology physics, and chemistry. Government alone cannot meet these requirements. A consortium involving both educational institutions and private industry, as well as Government, will be necessary.

The one area where Government can and must make the greatest contribution is in financing. The major responsibility for funding environmental research falls to the Federal Government, as it should, for no greater public good can be derived from the use of public moneys than that which will result from restoration, enhancement, and protection of the environment. This bill provides for a Federal financial foundation upon which States can build an effective environmental service.

There seems little doubt that Federal expenditures related to environmental research and management will increase. In fiscal 1969, Congress obligated \$330 million for research, development, and demonstration in pollution control, abatement, and related programs. The obligation for fiscal 1971 increased to \$361 million, and will likely go still higher next year.

In this connection, I ask unanimous consent to have a table printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. BELLMON. I question, however, if we are doing enough to understand and to protect our environment and safeguard our natural resources.

Out of 13 major categories to which Federal dollars are devoted, natural resources ranks last—receiving only \$2½ billion, or about 1 percent of the Federal budget. Of that amount, only \$1 billion is devoted to environmental improvement programs—the rest going for dams, levees, channelization, and other such projects which may contribute to environmental deterioration.

Clean air, clean water, and a healthy, whole environment are matters that affect every citizen of this Nation. The \$1 billion that we allocate each year to assure these basic necessities is pitifully small compared to the need and the danger our Nation faces from neglect of these vital concerns.

I heartily agree with the comments Secretary Morton made a few days ago before the Senate Interior Committee when he said:

The priority of our environment must be brought into equity with that of our economy and our defense. Otherwise, at some point in time, there will be no economy to enjoy and practically no reason for defense.

All our previous investments in national defense, health programs, income security, education and all others will be to no avail if we fail to provide a decent world in which to live. If man surrenders to the threat of environmental destruction, he will have faced his last opponent. We will have allocated our last appropriations and there will be no second chance. Now is the time to remove this issue from the lowest priority in our national budget and to provide adequate funding for the conservation of our natural resources and the restoration of our environment.

The agenda of matters demanding immediate attention is long, and we have no choice but to do the best possible job with current management tools and existing institutions.

But as clearly pointed out in the first annual report of the Council on Environmental Quality, "the pressing need for tomorrow is to know more than we do today." This bill provides the means by which this environmental information gap may be filled.

We lack scientific data about how natural forces work on our environment and about the way pollutants affect the natural world. We lack the devices to measure either improvement or deterioration in the environment. We lack the knowledge of the interrelationship of separate pollution problems, and this further handicaps efforts to devise strategies for control of pollution. We even lack the basic concepts from which to look at and solve environmental problems.

This Nation is in desperate need of a foundation of information on the current status of the environment, on changes and trends in its condition, and on what those changes mean to man. Without such information we can only react to environmental problems after they become serious enough for us to see. We lack the knowledge to develop long-term programs of prevention.

Passage of this bill will enable us to know when and where action is needed. Essential to development of this kind of information is a comprehensive program of nationwide environmental monitoring, collection, analysis and effective use of the information. The Council on Environmental Quality considers development of this type information program a major national objective. But the Council further points out that even after the system for collecting and analyzing data is developed, we still must have additional knowledge to enable us to understand and interpret the data we get. We are not yet in a position to understand the significance of monitoring results. Much more research is needed on how environmental systems operate—on how man affects the environment—and how the environment affects man. Augmenting this type of research must take a high national priority. This bill provides a means for enlightened and effective action.

The first important step is creation of new institutions and new financing for a systematic approach to the environ-

ment. The National Environmental Policy Act clearly stresses the necessity of approaching environmental problems as a totality.

Mr. President, passage of this proposed legislation for state and regional environmental research centers will meet that need and the need to develop greater understanding of the environment. Moreover, it will meet those needs in an effective manner, combining the best available resources and expertise in every corner of this land, marshaling both private and public resources and involving Americans at all levels of life in the greatest effort this Nation has undertaken: an effort to assure a wholesome environmental existence in harmony with our delicate and finite surroundings.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

#### S. 681

A bill to establish environmental laboratories within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* (a) this act may be cited as the "State Environmental Center Act of 1971."

(b) It is the policy of the Congress to support research, planning, management, and education and other components necessary to maintain and improve the quality of the environment through the establishment of environmental centers in cooperation with and among the States, to promote a more adequate program of environmental protection within the States, regions, and Nation, pursuant to policies and goals established in the National Environmental Policy Act of 1969 (Public Law 91-190). It is hereby recognized that research, planning, management, and education in environmental areas are necessary to establish an ecological balance in intrastate and regional (interstate) areas to assure the Nation at all times of an adequate environment.

SECTION 1. The purposes of this Act are to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of professionals in fields required for the protection and improvement of the Nation's environment. The Administrator of the Environmental Protection Agency is hereby authorized and directed to cooperate with the several States for the purpose of encouraging and assisting them in carrying out comprehensive programs of environmental research, planning, management, and education, having due regard to the varying conditions and needs of the respective states.

#### TITLE I—STATE ENVIRONMENTAL CENTERS

SECTION 1. There are authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary to assist each participating State in establishing and carrying out the work of a competent and qualified environmental center or equivalent agency (hereinafter referred to as State center), not to exceed one State center per State as designated by act of the Governor of the State concerned; subject to the determination by the Administrator of the Environmental Protection Agency that such State center has, or may reasonably be expected to have, the capability of doing effective work under this Act: *Provided*, That

(1) funds under the Act shall be paid to the one designated State center in each State; (2) two or more States may cooperate in the designation of a single interstate or regional center (hereinafter referred to as regional center), subject to the determination by the Administrator of the Environmental Protection Agency that such regional center has, or may be expected to have, the capability of doing effective work under this Act, in which either part or all of the individual sums payable to all of the cooperating States, and subject to designation of fund amount by the State center, shall be paid to such regional center; and (3) a designated center or regional center may, as required for fulfillment of its responsibilities, arrange with universities and colleges as well as private industry to participate in the work of said State center or regional center.

SEC. 2. (a) As used in this Act, the term "State center" or "regional center" means an organization that combines or coordinates the research capability of educational institutions. The center shall have a nucleus of administrative, professional, scientific, and technical personnel capable of planning, coordinating, and directing comprehensive programs required for the protection and improvement of the Nation's environment. It shall possess the capability of employing personnel to carry out research, planning, management, and education programs. It is not required that the center be a baccalaureate nor graduate degree granting educational institution; however, it may be closely associated with such an institution. The State center or regional center must be established in part or in whole with an educational institution, private foundation, or public foundation. Such center shall be authorized to make grants to and finance contracts and fund matching or other arrangements with educational institutions, foundations, or other institutions, with private firms and individuals whose training, experience, and qualifications are, in the judgment of the chief executive officer of the center, adequate for the conduct of specific projects to further the purposes of this Act; and with local, State, and Federal agencies, to undertake research, investigations, and experiments into any aspects of environmental problems related to the mission of the center.

(b) It shall be the duty of each such center to plan and conduct and/or arrange for a component or components of the universities, colleges, or foundations with which it is or may become associated to conduct competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to the environmental pollution and/or other environmental problems and opportunities to provide for the training of environmental professionals through such research, investigations, and experiments; and training may include without being limited to: biological, ecological, economic, engineering, geographic, geological, legal, recreational, resource planning, social, and other aspects of environmental problems.

(c) The Administrator of the Environmental Protection Agency is hereby charged with proper administration of this Act and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act, including participation in the coordination of research initiated under this Act by the center, from time to time to indicate such lines of inquiry as to him seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and among the several centers; such encouragement to specifically include the development of (1) interdisciplinary teams within the colleges and universities as well as industry, and (2) interinstitutional arrangements among colleges, universities, private industries, and governmental agencies (all levels).

(d) Any sums made available by Congress for support of work under this Act shall be distributed as follows: (1) 47 per centum shall be allotted equally to each State; (2) 50 per centum of such sums shall be allotted to each State based on the proportion of the population of the State to the total population of all of the States as determined by the last preceding decennial census current at the time such sum is first appropriated; (3) 3 per centum shall be available to the Administrator of the Environmental Protection Agency for administration of this Act.

(e) Not less than 25 per centum of any sums allocated to a State center shall be expended only in support of work planned and conducted by one or more interstate or regional centers as provided in section 3(a) (2) of this Act.

(f) Of the first \$500,000 available annually under this Act for allotment to any State center or regional center, no matching funds by said centers are required; however, funds made available annually above \$500,000 must be matched, on a ratio of \$5 Federal to not less than \$1 of non-Federal funds.

#### TITLE II—TECHNOLOGY TRANSFER COMPONENT

Sec. 3. In order to initiate, to facilitate, and to expand greatly the development of a greater awareness, a clearer understanding, and more extensive, effective and efficient application of useful information being generated by valid research programs, there is hereby created a technology transfer component of the "State Environmental Centers Act of 1971" hereinafter referred to as the Extension and Continuing Adult Education component. The Congress shall accomplish the above by establishing a national program of incentives and support to several states individually and in cooperation with one another as they attempt to create and maintain a high level of creditability and emotional equilibrium among people in the United States with respect to the topics in the field of environmental quality.

Sec. 4. (a) The target audiences for these programs include:

(1) the general public, including all age groups, sexes, races, religious beliefs, and other units;

(2) persons employed by specific units of government, such as township, county, municipal, State, Federal, and other levels of government;

(3) personnel employed by business, industry, and commerce establishments; and

(4) others, such as persons involved with civic groups, fraternal organizations and other special-interest groups in American society.

(b) Such State environmental center extension and continuing education programs of each of the cooperating States shall be administered by the chief executive officer of the center and shall consist of the giving of instruction to the specified groups via a wide range of educational program techniques and with a generous use of the most modern tools of communication such as

(1) workshops, seminars, clinics, courses for credit, field visits, short courses, individual consultation, and demonstrations, some of which can be handled by the use of telephone, television, or other combinations of audio and/or visual presentations;

(2) the development of a wide range of useful information made available in published reports of several different types, such as monographs, bulletins, fact sheets, and other types of printed material as well as microfilm, microfiche, computer tapes, tape cassettes, and by other devices that can be used by a specific audience; and

(3) the development and maintenance of a current and comprehensive reference service to facilitate the rapid identification and use of helpful information.

Sec. 5. The same formula distribution described in Section 2(e) shall apply to this title. Of the first \$500,000 available annually

under this act for allotment to any State or center or regional center for purposes of technology transfer, no matching funds by State centers are required; however, funds made available annually above \$500,000 must be matched, on a ratio of \$5 Federal to not less than \$1 of non-Federal funds.

#### TITLE III—MISCELLANEOUS PROVISIONS

Sec. 6. Sums made available for allotment to the State centers and regional centers under this Act shall be paid to their designated centers at such time and in such amounts during each fiscal year as determined by the Administrator of the Environmental Protection Agency, and upon vouchers approved by him. Each center shall have a chief administrative officer and a treasurer or other officer appointed by its governing authority. Such treasurer or other officer shall receive and account for all funds paid to the center under the provisions of the Act and shall report, with the approval of the chief administrative officer of the center, to the Administrator of the Environmental Protection Agency on or before the 1st day of September each year a detailed statement of the amount received under provisions of this Act and shall report, with the approval of the chief administrative officer of the center, to the Administrator of the Environmental Protection Agency on or before the 1st day of September each year a detailed statement of the amount received under provisions of this Act during the preceding fiscal year, and its disbursement, on schedules prescribed by the Administrator of the Environmental Protection Agency. If any of the moneys received by the authorized receiving officer of the State center or regional center under the provisions of this Act shall be any action or contingency be found by the Administrator of the Environmental Protection Agency to have been improperly diminished, lost, or misapplied, it shall be replaced by the center concerned and until so replaced no subsequent appropriations shall be allotted or paid to that center.

Sec. 7. Moneys appropriated under this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof.

Sec. 8. Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of research, experiments, and other investigations, including lists of publications available for distribution by the centers, shall be transmitted in the mails of the United States under penalty indicia: *Provided*, That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such publications may be mailed from the principal place of business of the center or from an established subunit of said center.

Sec. 9. The Administrator of the Environmental Protection Agency shall make a report to the President and to the Congress during its first regular session each year of the receipts and expenditures and work of the centers in all the States under the provisions of this Act and also whether any portion of the appropriations available for allotment to any center has been withheld, and, if so, the reasons therefor.

Sec. 10. The Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act.

#### EXHIBIT 1

#### PRESIDENT PROPOSES ACTION TO "RESTORE" LAND, AIR, WATER (By Roberta Hornig)

President Nixon called on Congress today to approve a broad series of measures to protect the environment, ranging from land-use planning to testing of toxic substances.

In the message spelling out his legislative proposals, Nixon called for a basic reform in land-use planning, seeking to encourage states to take over from local governments the regulation of land use in growing areas and in the areas of "critical environmental concern."

He also proposed:

A charge to be imposed for emission of sulphur oxides, a chief air pollutant.

Allocation of \$6 billion to combat water pollution over the next three years—double the amount he requested last year—as the federal half of a \$12 billion program to build sewage treatment plants across the country.

A tax on lead in gasoline, regarded as a significant air pollutant; Congress failed to act on a similar proposal last year.

Restrictions on pesticide uses.

A ban on unregulated ocean dumping.

Regulations to begin controlling noise pollution.

Tests of toxic substances before they are allowed on the marketplace.

#### "RECLAIMING THE EARTH"

"I call upon all Americans to dedicate themselves during the decade of the seventies to the goal of restoring the environment and reclaiming the earth for ourselves and our posterity," Nixon told Congress.

"And I invite all peoples everywhere to join us in this great endeavor.

"Together, we hold this good earth in trust," he said. "We must—and together we can—prove ourselves worthy of that trust."

The national land use policy proposed by Nixon call specifically for \$100 million—\$20 million in each of the next five years—to encourage states, in cooperation with local governments, to plan and regulate major developments affecting growth and the use of critical land areas.

This money would be federal matching assistance to the states, which would be urged to come up with state-wide land use programs by 1974. States without such programs would be denied further federal funding. Steps would also be taken to assure that federally-assisted programs were consistent with approved state land use programs.

Areas of "critical environmental concern" were described in the message as those around coastal zones and scenic and historic areas. Nixon also urged states to regulate land growth patterns around major airports, highway interchanges, major recreational areas and new communities.

In line with his land use proposal, Nixon also called for expanding open-space programs, with emphasis on providing parks for people in urban areas. He urged changes in the Internal Revenue Code to encourage charitable land transfers for conservation purposes, and called for converting surplus federal properties to public park use.

In addition, he proposed "a major expansion" of the wilderness area system to include many new areas nationwide, and called for a "World Heritage Trust" to encourage other nations to set up national parks like those in the United States.

#### SULFUR OXIDES

The suggested charge for emission of sulphur oxides—the most significant single health hazard resulting from fossil fuel burning—is the most important new presidential effort to try to combat air pollution.

Nixon called it "a major step in applying the principle that the cost of pollution should be included in the price of the products.

The stepped-up water pollution control program, besides doubling federal funds, also would increase fines for violators of water quality standards to up to \$25,000 a day administratively and would allow court-imposed fines of up to \$50,000 a day for repeated violations.

Nixon's program also would set up an Environmental Financing Authority to help

communities with low credit ratings pay for their share of waste treatment plants; revise present rules so plants can be built where the need is greatest; requires municipalities to recover from industries the portion of construction costs necessary to treat industrial waste.

In addition, it would extend water quality standards to all navigable waters, require industries to use the best technology available for treating water; speed up enforcement procedures, and authorize legal action by private citizens against water polluters.

Under Nixon's proposal to improve pesticide control, they would be sold through a registration procedure under which they would be designated for "restricted use" or, for use "by permit only."

Nixon also called for streamlining present cumbersome procedures for canceling pesticide registration and stopping sale of any pesticide that violates federal law.

In attacking what he called "controlling emerging problems," the President asked the chief of the Environmental Protection Agency to prescribe minimum standard tests for new chemicals before they reach the market place; to restrict the use or distribution of any substance he finds hazardous to human health or the environment; to stop the sale of hazardous materials, and to seek immediate court relief if use presents an imminent health or environment hazard.

Nixon cited ocean dumping as another emerging problem. He proposed requiring a permit before any materials could be dumped into the oceans, estuaries or the Great Lakes. He also asked for strict limitation on ocean dumping "in areas of critical significance," and a complete ban on dumping waste dangerous to marine life.

Nixon's recommendations on attempting to control noise are the first ever to emerge from the White House. He would authorize EPA to set noise standards for construction and transportation, such as cars, trucks, and buses, and would require labeling of the noise characteristics of other products traveling in interstate commerce.

#### OTHER PROVISIONS

Other provisions in Nixon's environmental message include:

A power plant siting plan which would require electric utilities to submit plans for new power plants 10 years in advance. State or regional agencies would provide preliminary clearance for the plant and transmission sites five years before construction and clearly specify sites and routes two years in advance, and provide hearings at both stages.

Establishment of federal guidelines for state programs to regulate the environmental consequences of surface and underground mining, allowing the federal government to step in if states fail to act.

Setting up an Environment Institute with joint federal and private foundation money, to study and hopefully come up with alternatives to environmental problems.

#### EXHIBIT 2

TABLE 1.—RESEARCH, DEVELOPMENT, AND DEMONSTRATION  
[Including contracts and grants]

	Obligations in millions of dollars, fiscal year—		
	1969	1970	1971
1. Where the primary purpose is pollution control and abatement.....	253	251	277
2. For some other primary purpose but contributes to pollution control and abatement.....	77	81	84
Total.....	330	332	361

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a

nomination, was communicated to the Senate by Mr. Geisler, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting the nomination of H. Brooks Phillips, of Mississippi, to be U.S. marshal for the northern district of Mississippi, which was referred to the Committee on the Judiciary.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. CHILES). Pursuant to the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with a time limitation of 3 minutes therein.

#### THE DISTRICT OF COLUMBIA'S PROPOSED RECIPROCAL INCOME TAX

Mr. BYRD of Virginia. Mr. President, for the third time in 4 years, the government of the District of Columbia is asking Congress to impose a tax on the wages of Virginia and Maryland residents who earn their living in Washington.

This proposed tax was turned down by the Congress in 1967 and again in 1969.

This year, the tax has been given a new name. It is called a reciprocal income tax. However, it is really the same old tax in a new disguise.

Under this so-called reciprocal tax arrangement, the District would be empowered to tax wages of Virginians and Marylanders who work in Washington; at the same time, the two States would be permitted to tax the earnings of District workers in their jurisdiction.

This has an appearance of fairness. However, it is in fact inequitable.

Estimates indicate that the proposed tax arrangement would net \$51 million for the District of Columbia, while Virginia would lose \$17 million in revenues and Maryland \$28 million.

This is reciprocity in name only.

What actually would happen under this proposal is that Virginia and Maryland, both already hard pressed for tax funds, would have to increase their own tax rates to make up for their loss of revenue.

Thus, every taxpayer in Virginia and every taxpayer in Maryland would be furnishing a special subsidy to the government of the District—over and above the subsidy which every American taxpayer pays to Washington through Federal taxation.

It must be kept in mind that the Federal Government actually makes a major contribution to the expenses of the District of Columbia.

This year the so-called Federal payment is approximately \$125 million. But according to the Senate Appropriations Committee, this figure represents only a small part of Federal support for the District.

The committee's estimate is that the

actual total of Federal support is \$539 million for the current year.

Furthermore, the District does unusually well with respect to financing of federally supported projects within its jurisdiction. For example, Federal assistance to the rapid transit system in San Francisco is approximately 8.4 percent of the total estimated cost of \$1.3 billion; while Federal assistance for the Metro Rapid Transit System in Washington will be 46 percent of a total estimated cost of approximately \$2.5 billion.

It also should be pointed out that the District of Columbia supports an unusually large governmental staff. Federal Government statistics indicate that there is one District of Columbia employee for every seven workers in the city.

In addition to their own share of the national contribution to the District of Columbia budget, Virginia and Maryland residents pay sales taxes on items they purchase when they stop in Washington.

Advocates of the proposed new District income tax point to the fact that the individual taxpayer in Virginia and Maryland would receive a tax credit against the amount they would normally owe in their own States. Thus, the District tax would be deducted from the State income tax bill of the commuters.

But two observations need to be made about this procedure.

First, the District tax is graduated up to a higher level than the income tax of either Virginia or Maryland. The top rate in the District is 10 percent; in the two States, the highest rate is 5 percent.

Thus, many Virginia and Maryland residents would be paying a higher tax bill.

The second point is this: The loss in revenue for Virginia and Maryland would have to be made up in some way.

The only way Virginia and Maryland could compensate for their loss of tax funds would be to create new taxes, or increase old ones, on their own residents.

I recognize that the District of Columbia, like all cities in the United States, faces financial problems.

But to impose special taxes on the residents of Virginia and Maryland to bail out the District of Columbia is unjust.

I shall vigorously oppose the newest version of the commuter tax.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may use my 3 minutes of allotted time to propound an inquiry to the distinguished Senator from Virginia.

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

Mr. ALLEN. Mr. President, if the distinguished Senator from Virginia would yield, I would like to propound an inquiry to him.

Mr. BYRD of Virginia. Mr. President, I am glad to yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, along the lines of the problem the Senator is pointing out, my inquiry has to do with a matter somewhat similar to that of the tax on the citizens of Virginia who work in the District. Certainly the junior Senator from Alabama is most sympathetic with the position of the distinguished Senator from Virginia and with the cit-

izens of Virginia whom he represents.

The junior Senator from Alabama has a somewhat similar personal situation concerning which he would like to make inquiry of the distinguished senior Senator from Virginia. The junior Senator from Alabama moved to the great State of Virginia in August of last year. He has a high regard for Virginia, for its history and tradition. Virginia's great soldiers and statesmen are heroes to the junior Senator from Alabama.

Mr. BYRD of Virginia. Virginia is very proud of that.

Mr. ALLEN. Then to his surprise and chagrin, just a few days ago the Senator from Alabama received a tax blank indicating that the State of Virginia wanted the junior Senator from Alabama to pay a Virginia State income tax.

The junior Senator from Alabama is a resident and a citizen of the great State of Alabama and pays his State income tax there.

Does the distinguished Senator from Virginia think that the great State of Virginia should exact an income tax from the junior Senator from Alabama?

Mr. BYRD of Virginia. The Senator from Virginia does not think that the State of Virginia should levy an income tax on the distinguished Senator from Alabama. The Senator from Alabama is a resident of the State which he represents so ably in the U.S. Senate. I do not know just why that levy was made. I think it was probably an error, and if the Senator from Alabama would take up the matter with the State tax commissioner in Virginia, I think it could be straightened out.

I know that Virginia has a reciprocity agreement with most States, and probably with the State of Alabama. However, in any case, I feel that the distinguished Senator from Alabama should not be required to pay a tax to the State of Virginia.

Mr. ALLEN. I thank the distinguished Senator from Virginia. The junior Senator from Alabama is going to heed at least half of the advice of the distinguished Senator from Virginia. He is not going to take up the matter with the tax authorities of the State of Virginia, but he is going to accept the ruling of the distinguished Senator from Virginia that the junior Senator from Alabama owes no income tax to the great State of Virginia.

Mr. BYRD of Virginia. I know that Virginia is hard up for revenue. However, I do not think it would be appropriate to obtain revenue from the distinguished Senator from Alabama.

#### OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD remarks by the distinguished Senator from New Jersey (Mr. WILLIAMS) with regard to the Older American Community Service Employment Act.

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

Mr. WILLIAMS. Mr. President, I join the Senator from Massachusetts (Mr. KENNEDY) in sponsoring the Older American Community Service Employment Act.

America is a young Nation. But each year a larger proportion of our population join the ranks of older Americans.

There are now about 20 million persons 65 and older. More than 18 million are in the 55 to 64 age category.

Yet, in our work oriented society, far too many of these older persons are relegated to lead empty and frustrated lives.

For most of these individuals, inactivity is the greatest enemy. Large numbers want to work to remain more active during their later years. Others need to work to supplement their retirement income.

But our economic slowdown has made it increasingly difficult for them to locate jobs.

During the past two years, unemployment for persons 55 and older has jumped by nearly 92 percent. More than 500,000 individuals in this age category have lost their jobs. Of this total, 155,000—or about one out of every three unemployed persons 55 and over—have been without work for 15 weeks or longer.

Alarmingly large numbers are also withdrawing from the labor force. From 1960 to December 1970, the "drop-out" rate among men aged 55 to 64 increased from 973,000 to 1,533,000, nearly a 58 percent rise.

Most of these individuals, however, would prefer to have a wider range of choices:

To work full time or part time; or  
To work for pay or as a volunteer.

In the past Congress, important legislation has been adopted to provide the basis for a national corps of retired volunteers. May 1969 Amendments to the Older Americans Act created a new Retired Senior Volunteer Program, "RSVP", to recruit persons 60 and over to provide vital services in their communities. These individuals will receive no pay, but will be reimbursed for their transportation, meals and other out-of-pocket expenses.

Many other older persons also want to serve in their communities, but are not in a position to work without compensation.

According to one leading expert, Dr. Blue Carstenson of the National Farmers Union, approximately 4 million low-income individuals 55 and older would be interested in providing services in their localities.

We know a critical need exists for expanded community services. That need has been well-documented. And we also know that older persons possess a wealth of talent for providing these services. Several successful pilot projects—such as Green Thumb, Green Light, Senior Aides, and Senior Community Service programs—have amply demonstrated that they can make major contributions in their communities.

There are now more than seven applicants for each position available in the National Council of Senior Citizens' Senior Aides program.

In my own state of New Jersey, I have personally seen the outstanding achievements of elderly participants in the demonstration programs. They have helped to train hard-core unemployed young men; worked as bilingual aides in elementary schools; beautified the countryside by planting more than 100,000 trees; and restored historical sites.

The enthusiastic acceptance of these programs—not only by the elderly participants but also by the individuals and localities served—strongly suggest that there are millions of low-income persons 55 and over willing and able to serve their communities.

What is needed now is a genuine national program to build upon these successful demonstration projects funded under the Department of Labor Mainstream program.

The Older American Community Service Employment Act, I strongly believe, can provide the framework for this national senior service corps.

It would help to do this by providing new employment opportunities in needed community services—in anti-pollution programs, hospitals, libraries, schools and elsewhere—for low-income persons 55 and older.

For many older Americans service in their communities can be a most rewarding experience. For others, it can also mean a new career. And for their communities, it can provide an effective means of delivering needed public services.

Community service employment can be a means for enriching their lives—not only in economic terms but also in serving society in purposeful activities.

Denial of employment opportunities for older Americans represents a personal tragedy for them and their families. From our Nation's standpoint, it is also wasteful of valuable human resources. And our economy cannot expect to reach its maximum production while ignoring the skills and experience of willing workers.

We have much more to gain by drawing upon this ready reservoir of talent.

Mr. President, the Senate Special Committee on Aging—on which I served until last week as its Chairman—has long advocated enactment of the kind of legislation offered here today. Within recent years, I have introduced bills closely resembling that offered by Senator Kennedy. I urge prompt and favorable action.

#### LITHUANIAN INDEPENDENCE DAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD a statement by the Senator from New Jersey (Mr. WILLIAMS) entitled "Lithuanian Independence Day."

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

Mr. WILLIAMS. Mr. President, on February 16, citizens of this country will join with world citizens of Lithuanian descent in celebrating the 53rd anniversary of Lithuanian Independence Day. For it was on that day in 1918 that the determined loyalists of this suppressed nation liberated themselves from 200 years of Soviet oppression.

Although the liberated existence of this new nation was short lived, the people of Lithuania proved to the world their determined skill for self-government. Within a brief period of time, Lithuania grew culturally and politically. Advancements in education and literature are examples of the great improvements accomplished by this free society. It was not long before many world powers, including the United States, recognized the free and sovereign nation of Lithuania.

For 22 years the people of this brave nation enjoyed the advantages of a democratic society that we, in the free world, have so long experienced. It was not until the Russians invaded this country in 1940 that the advancements and accomplishments of the Lithuanian free people were terminated.

Mr. President, it is appropriate, on the 53rd anniversary of Lithuanian Independence Day, that we honor the people of Lithuania and their commitment to a democratic way of life.

#### PROTECTION AGAINST OVER-PAYING TAXES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD a statement and an insertion by the Senator from New Jersey (Mr. WIL-

LIAMS) on the subject of "Protection Against Overpaying Taxes."

There being no objection, the statement and insertion by Senator WILLIAMS were ordered to be printed in the RECORD, as follows:

Mr. WILLIAMS. Mr. President, last April 15, the Senate Committee on Aging conducted a comprehensive hearing on "Income Tax Overpayments by the Elderly."

On that symbolic date we heard from the IRS, elderly individuals, the President of the Nation's largest tax service and other tax experts.

It became crystal clear that millions of Americans, the young as well as the old, overpay their taxes for a variety of reasons: Intricacies in the tax law completely befuddle the untrained layman;

Complex tax forms can camouflage legitimate tax benefits; and

Many persons are simply unaware of the existence of certain deductions.

Yet, court decisions and IRS publications have emphasized time and time again that the Federal Government wants no individual to pay more in taxes than are legally due.

The hearing—and the report recently issued by the Committee—I am pleased to say, have already had far-reaching effects. Several recommendations in the report have been implemented by the IRS. And I congratulate the IRS for making these badly needed changes in improving this year's tax form:

The retirement income credit has been simplified by reducing the number of calculations and schedule transfers.

Elderly persons can elect to have the IRS compute their retirement income credit, provided they list the amount of their tax exempt pensions, their earned income, and their qualifying retirement income.

Persons with income not exceeding \$20,000 and electing to take the standard deduction can also have the IRS calculate their taxes.

Additional line references have been provided in Schedule A (the worksheet for individuals who itemize their deductions) to alert taxpayers to tax savings items, such as expenses for eyeglasses, hearing aids, and travel for medical purposes.

But there are still many legitimate deductions which are not specifically listed on Schedule A. Taxpayers can, of course, check their packet of instructions to determine what is and what is not an allowable deduction. But as a practical matter, large numbers will have difficulty reading the fine print or understanding the complexities of the Internal Revenue Code.

It was for these reasons that the Committee included in its report a section on common deductions frequently overlooked by taxpayers.

These items—described in language that the average individual can understand—can result in substantial tax savings.

In addition, the report lists important tax benefits under the 1969 Tax Reform Act. These provisions can provide urgently needed tax relief, especially for low and moderate-income persons. In many instances, they can mean the difference between a refund or a substantial payment to the IRS when the return is filed.

But many of these extra payments would be unnecessary, if taxpayers were aware of these crucial tax savings features. Moreover, the information in the Committee's report can help protect millions of Americans from overpaying their taxes. And these tax savings hints can be helpful for all age groups because most tax issues apply with equal force to the young as well as the old.

Mr. President, the accompanying information—relating to common deductions frequently overlooked by taxpayers and the tax relief provisions in the Tax Reform Act—is contained in the Senate Committee on Aging's report on "Income Tax Overpayments by the Elderly."

#### COMMON DEDUCTIONS FREQUENTLY OVERLOOKED BY TAXPAYERS

Millions of taxpayers pay more taxes than legally required because they do not know about the existence of certain deductions.

Part three is designed to point out a number of common deductions frequently overlooked—deductions which can save elderly and younger taxpayers hundreds of dollars.

The following checklist is not exhaustive. But, it can be particularly helpful as a reminder of possible tax savings for individuals who itemize their deductions or are uncertain if it would be more advantageous to take the standard deduction or itemize.

Moreover, the failure to claim these deductions can still be rectified. A taxpayer may prepare a Form 1040X—Amended U.S. Individual Income Tax Return—to claim deductions not included on his original return. To claim a refund for these items, Form 1040X must be filed within three years after the original return was due or within two years from the time the tax was paid, whichever is later.

For example, an elderly taxpayer files his return in 1969 and itemizes his deductions. A year later he learns that travel expenses for medical purposes are properly deductible. In addition, he realizes that he did not deduct the fair market value of the clothing donated to his church, expenses for his dentures, and the cost of the safe-deposit box for his stocks and bonds. In 1970 he files Form 1040X and claims these legitimate deductions. A few weeks later he receives a refund for \$75 plus interest.

#### COMMON DEDUCTIONS OVERLOOKED (NOT SPECIFICALLY LISTED ON SCHEDULE A)

##### Medical and dental expenses

Arches  
Braces  
Chiropractor  
Crutches  
Batteries for hearing aids  
Insulin treatment  
Orthopedic shoes  
Podiatrist  
Oculist  
Optician  
Optometrist  
Dermatologist  
Physiotherapist  
Psychiatrist  
Psychologist  
Psychoanalyst  
Psychotherapy  
Sacrolliac belt  
Seeing eye dog and its maintenance  
Vaccines  
Supplementary Medical Insurance (Part B) under Medicare  
Vitamins prescribed by a doctor but not taken as a food supplement or to preserve general health  
Wheelchairs  
Whirlpool baths for medical purposes  
Ambulance expenses  
Physical examinations

##### Taxes

Additional sales tax deduction for the purchase of large items, such as an automobile  
Additional sales tax deduction (besides the table based on adjusted gross income of a taxpayer) for nontaxable income adjusted taxpayer) for nontaxable income (e.g., Social Security or Railroad Retirement Annuities)  
State transfer taxes on the sale of income producing property (e.g., securities)

##### Charitable contributions

Travel expenses (actual or 6¢ per mile) for charitable purposes.

Cost and upkeep of uniforms used in charitable activities (e.g., Scoutmaster)

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services)

Out-of-pocket expenses (e.g., postage, stationery, phone calls, donated foods) while

rendering services for charitable organizations

##### Interest

Penalty for prepayment of a mortgage is deductible as interest

##### Miscellaneous deductions

Rental cost of a safe-deposit box for income producing property

Fees paid to investment counselors

Subscriptions to business publications

Telephone and postage in connection with investments

Uniforms required for employment and not generally wearable off the job

Maintenance of uniforms required for employment

Special safety apparel (e.g., steel toe safety shoes, helmets worn by construction workers, special masks, worn by welders)

Business entertainment expenses

Business gift expenses not exceeding \$25 per recipient

Employment agency fees for finding employment

Cost of a periodic examination if required by employer

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use)

Cost of a bond if required for employment

Premiums for malpractice insurance for professional employees

Expenses of an office in your home if your employment requires it

Amounts a teacher pays to a substitute to take his place

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your work.

#### APPENDIX I. HOW THE TAX REFORM ACT OF 1969 CAN HELP OLDER AMERICANS

One of the most significant laws passed during the 91st Congress was the far-reaching Tax Reform Act of 1969. Several provisions, such as the increase in the personal exemption and the new low-income allowance, in the new law will also provide substantial tax relief for older Americans. Other measures, such as the increase in the standard deduction, can help to make tax preparation easier—especially for moderate-income individuals.

These proposals can produce important tax savings—in some cases amounting to several hundred dollars—for older taxpayers. Consequently, a basic understanding of these relief measures will be essential for aged persons to receive full benefits from these provisions. Some of the major relief sections include:

**Increase in personal exemption deduction:** The Act provides for a four step increase in the personal exemption deduction from \$600 to \$750 by 1973. The four stages would be as follows:

\$625 in 1970,  
\$650 for 1971,  
\$700 by 1972, and  
finally \$750 by 1973.

Older Americans will benefit doubly from this increased deduction.

Under prior law, a person who was at least 65 years old was entitled to the regular exemption of \$600 plus an additional \$600 deduction for age—for a total of \$1,200. When this provision becomes fully effective, an elderly single taxpayer would be entitled to a \$1,500 personal exemption deduction—\$300 more than under previous law. By 1973, an elderly married couple would be entitled to an additional \$600 deduction for personal exemptions.

**Increase in standard deduction:** A three stage increase in the standard deduction will provide significant relief for moderate-income elderly taxpayers. The present standard deduction—10 percent of adjusted gross income with a \$1,000 ceiling—will be increased to 15 percent with a \$2,000 maximum by 1973. Under the new law, the percentages

and maximum deductions will reflect the following changes:

Year	Percentage of adjusted gross income (percent)	Ceiling
1971.....	13	\$1,500
1972.....	14	2,000
1973.....	15	2,000

**Low-income allowance.**—Older Americans will also benefit substantially from the new low-income allowance—equivalent to the former minimum standard deduction plus an additional allowance which would equal a maximum amount of \$1,100. More than 5 million tax returns will be removed from the tax rolls because of this provision.

The maximum \$1,100 low-income allowance becomes operative in 1970, but it will be reduced in two steps to \$1,000 by 1972 to correspond to the \$100 increase in the personal exemption deduction for 1972. This new low-income allowance together with the personal exemption deduction would be almost equivalent to the poverty index, and would have the effect of removing virtually all persons in the poverty category from the tax rolls.

The effect of the \$1,100 low-income allowance and the \$625 personal exemption is to eliminate tax until income exceeds the following levels for elderly persons in 1970:

Number of persons	Nontaxable amount		
	Tax Reform Act	Prior law	Difference
1. Elderly single person (65 or older).....	\$2,350	\$1,600	\$750
2. Elderly married couple (both 65 or older).....	3,600	3,000	600

**Revision in tax rates for single individuals.**—The new revised tax structure for single persons who do not support a household in which a dependent lives will benefit many elderly widows and widowers. (Approximately 3.6 million elderly women are widows and live alone.)

Under previous law, the tax rate for a single individual was substantially higher than for a married couple filing a joint return with the same taxable income. In some instances a single taxpayer would pay 41 percent more in taxes than a married couple filing jointly. The new rate structure in the Tax Reform Act will help to relieve this inequity by providing a tax for single persons which will not be more than 20 percent of the tax paid on a joint return with comparable taxable income.

**No withholding under Certain Circumstances.**—Employees who certify to their employers that they had no tax liability for the preceding year and expect to have no tax liability for the current year will not have Federal income tax withheld from their wages.

About a half million persons 65 and over who work, are not subject to tax because of low taxable income. Previously, many elderly persons who owed no tax, still had to file returns to collect refunds because of the tax withheld.

Because of this provision and changes in filing requirements, more than 2 million older Americans will be relieved from the necessity of filing a tax return.

**Reduction and Repeal of the Surtax:** The 10 percent surcharge was reduced from 10 percent to 5 percent for the period from January 1, 1970 to June 30, 1970. Effective July 1, 1970, the surcharge will be discontinued. For an individual taxpayer, the effect will be to reduce the surtax to 2.5 percent on an annual basis for 1970 and to eliminate the surcharge for 1971.

**Liberalized income averaging.**—Income averaging is available for individuals whose incomes fluctuate from year to year to help lessen the tax burden in high income years. Generally, a person is eligible for income averaging if taxable income for the current year is more than \$3,000 greater than 133½ percent of his average taxable income for the preceding four years.

The Tax Reform Act will lower the 133½ percent requirement to 120 percent. In addition, long-term capital gains, wagering income, and substantial income from gifts—which previously did not qualify—would be eligible for averaging.

**Tax savings under the Tax Reform Act.**—In 1969 it is estimated that persons 65 and older had an income tax liability of \$7.3 billion, exclusive of the surcharge. When fully effective, the relief provisions of the Tax Reform Act will reduce this liability by \$640 million (at 1969 levels)—a reduction of about 9 percent. Assistant Secretary Edwin Cohen estimated that "The tax liability of those persons with adjusted gross incomes below \$10,000 will be reduced by more than 25 percent, and that of persons with adjusted gross incomes below \$5,000 will be reduced by more than 54 percent."

When the Act is fully effective, an elderly married couple will pay no Federal income tax until their joint income (exclusive of Social Security and other nontaxable income) exceeds \$4,000—a \$1,000 increase over the 1969 tax-free level of \$3,000. Similarly, an elderly single individual will be able to have taxable income of \$2,500 without owing any tax—\$900 more than under previous law.

#### TRIBUTE TO SENATOR CHURCH: CHAIRMAN OF THE SENATE COMMITTEE ON AGING

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD a statement by the Senator from New Jersey (Mr. WILLIAMS) entitled "Tribute to Senator Church: Chairman of the Senate Committee on Aging," and an accompanying insertion:

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

#### TRIBUTE TO SENATOR CHURCH: CHAIRMAN OF THE SENATE COMMITTEE ON AGING

(Statement of Senator WILLIAMS)

Mr. President, with my selection as Chairman of the Senate Committee on Labor and Public Welfare I am required to relinquish my chairmanship of the Senate Special Committee on Aging. This change in work assignments has caused me regret; my four years as Chairman of the Special Committee have been busy and informative. I feel that I have many good friends in the field of aging, and I feel a deep sense of interest in the well-being of those 20 million persons described as older Americans.

My regrets, however, are lightened by the appointment of Senator Frank Church of Idaho as the new Chairman. He has been a member of the Committee since it was established almost 10 years ago. As Chairman of its Subcommittee on Consumer Interests of the Elderly he has looked deeply into problems that confront elderly Americans who must attempt to live on inadequate, fixed incomes in the face of a steadily rising cost of living. He will, I am sure, lead the Committee with the same thoroughness and responsiveness that he has demonstrated in other Senate activities.

Senator Church is assuming his new leadership role during a year which will culminate in a White House Conference on Aging.

This Conference, it is to be hoped, will provide a vigorous national forum for issues of vital importance to aging and aged persons in this Nation. The Committee will have a major role to play in bringing such issues to public attention. One such issue, of course, is inadequate retirement income. A recent report issued by the Committee describes the problems associated with the economics of aging and calls for broadbased action. An article in the Machinist of January 28—in addition to paying tribute to Senator Church—discusses the major recommendations and conclusions offered by that report. I ask unanimous consent to have that article reprinted at the conclusion of my remarks.

To add another personal note, I would like to say that I will remain an active member of the Senate Committee on Aging under Senator Church's leadership. My interest in the problems—and the potential—of older Americans is undiminished. It is with considerable gratification, and perhaps some envy, that I offer my support to Senator Church as he begins a fascinating and important assignment.

#### ELDERLY'S NEW CHAMPION

U.S. Sen. Frank Church of Idaho is the new chairman of the Senate Special Committee on Aging, the principal force in government for spotlighting problems of older Americans.

The 46-year-old Democrat succeeds Sen. Harrison (Pete) Williams of New Jersey who has moved to chairman of the Senate Labor and Public Welfare Committee.

Since he entered the Senate in 1957, Church has voted "Right" from labor's viewpoint on a high percentage of rollcalls in which working families had a particular interest. He has been a hard-working member of the Committee on Aging, chairman of its consumer subcommittee.

His task will be to lead the fight for a long list of committee recommendations for helping older persons made in a report just published. The report emphasizes that twin rises in the cost of living and unemployment have hit older persons harder than any other group.

The report warns that a new group of aged poor may be in the making among those now 55 to 59. One of every six men now in that age group will be jobless by the time he reaches 65 if present trends continue, the report notes. The committee called for:

An immediate 10 per cent increase in Social Security benefits with a cost-of-living escalator for the future.

Higher benefits for the future with increases partly financed from the Federal Government's general revenues.

Improved private pensions. Laws must be enacted to safeguard the retirement income of workers who lose their job as a result of plant shutdowns. Many of these are likely to be middle-aged or older.

Perfecting Medicare as the nation heads toward national insurance.

The committee also called for stricter enforcement of the 1967 law outlawing age discrimination in employment. It urged training programs for older employees and a community service employment law providing funds for part-time employment jobless persons 55 and older on useful work with community service agencies.

It also asked for programs to minimize the ever-increasing impact of housing costs on older persons, both home owners and renters.

The committee urged a task force to study the feasibility of providing Federal assistance to states that grant property tax relief to elderly homeowners.

It also called on the Nixon Administration to spend the money appropriated by Congress for the Sec. 202 housing program. This is the program that assists non-profit organizations like trade unions and churches.

## ORDER OF 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 assistant legislative clerk proceeded to call the roll.

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

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

## CAMBODIA—LETTER AND SPIRIT

Mr. HANSEN. Mr. President, I wish to call attention to an editorial column by Ernest B. Furgurson in the February 2, Baltimore Sun, entitled "Letter and 'Spirit' About Cambodia." I think it very appropriate considering the present move of the South Vietnamese to cut the enemy supply trail along the Laotian borderlands.

First, Mr. Furgurson describes the Nixon Vietnam program:

The greatest concrete accomplishment of this administration is its large-scale withdrawal of American forces from southeast Asia in a phased, responsible way.

And he states very bluntly his estimate of those opposing the Nixon program:

Outside the combat activities of the enemy himself, the greatest threat to continuation of that orderly withdrawal comes from politicians on Capitol Hill who would tighten restrictions on United States action there to the point at which only a pellmell, unprotected bugout would be possible.

Then Mr. Furgurson very effectively rebuts the charge that the "spirit" of the restrictive amendment—the so-called Cooper-Church amendment—attached to the 1970 foreign military aid supplement, is being violated by the Nixon administration in Cambodia. He points out that the amendment itself was accepted by Congress after being carefully worded to cover only land incursions, that even then it was only agreed to as part of a conference report, and finally that the Defense and State Departments have scrupulously observed the letter of the amendment.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

LETTER AND "SPIRIT" ABOUT CAMBODIA  
(By Ernest B. Furgurson)

WASHINGTON.—The greatest concrete accomplishment of this administration is its large-scale withdrawal of American forces from Southeast Asia in a phased, responsible way.

Outside the combat activities of the enemy himself, the greatest threat to continuation of that orderly withdrawal comes from politicians on Capitol Hill who would tighten restrictions on United States action there to the point at which only a pellmell, unprotected bugout would be possible.

In the hysteria following the President's decision to send American troops into Cambodia last spring, the legislative branch asserted itself to insure that he would not do it again. When it eventually became law, the Cooper-Church amendment was an important symbolic action, the first time

Congress had used its power over the military budget to draw geographical limits on a war already under way.

But it was by no means a unanimous congressional decision, and in the debating and dealing process very clear limits were drawn on the limitations themselves.

Unsatisfied with the fact that the restrictions Congress passed are being observed by the military disappointed legislators who could not push through their exact desired language now complain that the administration is violating the "spirit" of the amendment.

This comes from Democratic aspirants, who are contesting with typewriters and blue pencils to see who can make the most points against Mr. Nixon, and from some who have no foreseeable chance at the presidency, such as Frank Church of Idaho, a co-author of the amendment.

With commendable patience, Secretaries Melvin Laird and William Rogers went up to explain recent operations by American planes and helicopters in and over Cambodia. They convinced some of the earlier complainants, including the other co-author of the amendment, John Sherman Cooper of Kentucky. But not Church.

They had to be patient, because they have to keep coming back to the Hill for more money. But Representative Sam Stratton of New York is not in their position, and his response to the outcry about the "spirit" of the law rang loudest.

"Where do we get all this talk about 'spirit' anyway?" he asked on the floor of the House. "This amendment was never really passed by Congress in the normal course: it was slipped through in the closing days of the last Congress in a conference committee as, frankly, a ransom to the Senate for their approval of the supplemental foreign aid appropriations for Cambodia.

"The House never really debated Cooper-Church. We never explored the full implications of it, let alone the 'spirit' of it. And the only time the House actually voted on Cooper-Church, last spring, we voted against it. Last December's acceptance was strictly a shotgun wedding, and so we are committed only to the actual letter of that amendment, and not to any broad implications which somebody might think are involved, but which never became any part of the legislative history.

"And the letter of Cooper-Church is very simple: no American ground troops or military advisers in Cambodia. And the provision is being scrupulously adhered to..."

That covers it. It doesn't silence those complaining, for they have their motives. One of those motives may be to raise so much ruckus in advance of a violation of the amendment that the administration will be doubly sure not to risk a transgression. If in thus sounding the alarm they stuck to statements of fact, that effort could not be faulted.

But a great deal of fact-stretching was ventured in this most recent flareup of the debate over Cambodian involvement. For example, the line of argument that using helicopters for fire support and resupply of South Vietnamese troops working with the Cambodian army really does break the congressional injunction against employment of "United States ground combat troops," in the specific words of Cooper-Church.

How? Well, helicopters work closely with the infantry, and fly low over the treetops, and use small-caliber direct fire weapons, and thus they have to be counted as ground forces instead of air support. Besides, they are mostly Army or Marine Corps aircraft, not Air Force.

The most fitting reply to that line of reasoning might be just to laugh. But if the complainants cling to it, the chopper pilots could easily hover their aircraft 2 feet above the ground when loading and unloading,

never making contact with Cambodian soil. How could they be classified ground combat forces then?

Meanwhile, if a majority of Congress wants Cambodia to collapse and to open up the entire western flank of South Vietnam while good faith efforts at American withdrawal continue, then it can pass a new law prohibiting United States overflights of Cambodian soil at any altitude. But let it be stated in the letter of the law, not in some nebulous "spirit" that exists only in the mind of the complainant.

Mr. HANSEN. 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. Without objection, it is so ordered.

## ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the remarks by the able Senator from Vermont (Mr. AIKEN), for which an order for recognition already has been entered, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

## PROPOSED GENERAL REVENUE SHARING ACT OF 1971

A communication from the President of the United States, transmitting a draft of proposed legislation to restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States (with accompanying papers); to the Committee on Finance.

## REPORT OF SELECTIVE SERVICE SYSTEM

A letter from the Director, National Headquarters, Selective Service System, transmitting, pursuant to law, a report of the Director of Selective Service, for the period January 1, 1970, to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

## REPORT OF OFFICE OF STATE TECHNICAL SERVICES

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the activities of the Office of State Technical Services, for fiscal year 1970 (with an accompanying report); to the Committee on Commerce.

## REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the use and operating costs of the Atomic Energy Commission's high energy accelerators, dated February 8, 1971 (with an accompanying report); to the Committee on Government Operations.

## PETITIONS

Mrs. SMITH. Mr. President, I ask unanimous consent that copies of: a joint resolution memorializing Congress to provide for intergovernmental sharing of Federal income tax revenue and a joint resolution protesting the possible closure of public health service clinic at Portland adopted by the Maine State Legislature be printed in the RECORD and accorded appropriate consideration and action.

I make this request in behalf of the junior Senator from Maine (Mr. MUSKIE) and myself.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, and appropriately referred, as follows:

To the Committee on Finance:

## "JOINT RESOLUTION MEMORIALIZING CONGRESS TO PROVIDE FOR INTERGOVERNMENTAL SHARING OF FEDERAL INCOME TAX REVENUE"

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened State Governments; and

"Whereas, the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and the state and local governments; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; now, therefore, be it

*Resolved*, That we, your Memorialists, recommend and urge that the Congress of the United States give immediate and favorable consideration to intergovernmental sharing

of Federal Income Tax Revenue; and be it further

*Resolved*, That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to the members of the said Senate and House of Representatives from this State."

To the Committee on Labor and Public Welfare:

## "JOINT RESOLUTION PROTESTING THE POSSIBLE CLOSURE OF PUBLIC HEALTH SERVICE CLINIC AT PORTLAND"

"We, your Memorialists, the Senate and House of Representatives of the State of Maine of the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition the United States Congress as follows:

"Whereas, the planned closure of the Public Health Service Clinic in Portland would affect some 20,000 area service patients on a yearly basis; and

"Whereas, the need for better medical care is such a vital concern and the closing of said clinic could only add greatly to the public and private clinics available; and

"Whereas, this clinic in Portland is the only one of its type in Maine serving service people and their dependents; and

"Whereas, the closure of the said clinic will render undue medical hardship to our Maine service people and their dependents, in seeking care and badly needed medical attention; now, therefore, be it

*Resolved*, That We, your Memorialists, do protest the closure of the Public Health Service Clinic at Portland and request the Bureau of the Budget to reconsider such a move to close said clinic because of its vital program; and be it further

*Resolved*, That the Members of the United States Congress from the State of Maine are hereby urgently requested to use every possible means to cause the possible decision to close said clinic to be reversed; and be it further

*Resolved*, That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, to the Members of the United States Congress from the State of Maine and to the Director of the Bureau of the Budget, Washington, D.C."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 531. A bill to authorize the United States Postal Service to receive the fee of \$2 for execution of an application for a passport (Rept. No. 92-2).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. Res. 19. Resolution authorizing additional expenditures by the Select Committee on Small Business; referred to the Committee on Rules and Administration.

S. Res. 29. Resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations; referred to the Committee on Rules and Administration.

## EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Thomas S. Kleppe, of North Dakota, to be Administrator of the Small Business Administration.

By Mr. MANSFIELD, from the Committee on Foreign Relations:

Executive K, 91st Congress, 2d session, the Treaty of Cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archeological, historical, and cultural properties, signed at Mexico City on July 17, 1970, without reservation (Executive Rept. No. 92-1).

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

George Bush, of Texas, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations; and

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

Executive L, 91st Congress, 2d session, the Convention signed at Managua on July 14, 1970, between the United States of America and the Republic of Nicaragua for the Termination of the Convention Respecting a Nicaraguan Canal Route, signed at Washington on August 5, 1914, without reservation (Executive Rept. No. 92-2); and

Executive N, 91st Congress, 2d session, the Treaty on Extradition Between the United States and Spain, signed at Madrid on May 29, 1970, without reservation (Executive Rept. No. 92-3).

## BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. BAKER (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. CASE, Mr. COOK, Mr. COOPER, Mr. COTTON, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HOLLINGS, Mr. HRUSKA, Mr. JAVITS, Mr. MATHIAS, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. TAFT, Mr. THURMOND, Mr. TOWER, and Mr. WEICKER):

S. 680. A bill to restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Finance.

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

By Mr. BELLMON:

S. 681. A bill to establish environmental laboratories within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969; to the Committee on Interior and Insular Affairs.

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

By Mr. CURTIS:

S. 682. A bill to amend title II of the Social Security Act to permit an individual to receive retroactive payments of benefits thereunder if such individual was without fault in failing to make timely application for such benefits; to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUE, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. RIBICOFF, Mr. HATFIELD, Mr. RANDOLPH, and Mr. TUNNEY):

S. 683. A bill to provide financial assistance for the establishment and maintenance of stable, quality, integrated education in elementary and secondary schools to assist school districts to overcome the adverse educational effects of minority group isolation, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. PACKWOOD:

S. 684. A bill to supplement the Act of June 7, 1924 (43 Stat. 653); to the Committee on Agriculture and Forestry.

S. 685. A bill to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water under the jurisdiction of the United States; to the Committee on Commerce.

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

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

S. 686. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement to disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Finance.

By Mr. BOGGS (for himself, Mr. BAYH, Mr. HARRIS, Mr. JAVITS, Mr. KENNEDY, Mr. MUSKIE, Mr. SCHWEIKER, and Mr. SCOTT):

S. 687. A bill to authorize financial assist-

ance for Opportunities Industrialization Centers; to the Committee on Labor and Public Welfare.

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

By Mr. TOWER:

S. 688. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

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

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 689. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. GRIFFIN:

S. 690. A bill for the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann; to the Committee on Foreign Relations.

By Mr. HATFIELD:

S.J. Res. 30. Joint resolution to place the question of approval of dimethyl sulfoxide (DMSO) for human use as a prescription drug before the National Academy of Sciences; to the Committee on Labor and Public Welfare.

(The remarks of Mr. HATFIELD when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. PROXMIER:

S.J. Res. 31. Joint resolution extending the date for transmission to the Congress of the Report of the Joint Economic Committee; considered and passed.

(The remarks of Mr. PROXMIER when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

### S. 684—INTRODUCTION OF A BILL TO INCREASE THE AUTHORIZATION OF THE FEDERAL CONTRIBUTION IN COOPERATIVE FOREST FIRE CONTROL

Mr. PACKWOOD. Mr. President, I am introducing legislation today to amend

the Clarke-McNary Act of June 7, 1924, to increase the authorization of the Federal contribution in cooperative forest fire control to \$40 million.

Forest fire control is a cooperative enterprise in which States and the Federal Government work together to reduce wildfires on State and private forest and nonforested watershed lands. Single forest fires that burned 3,000,000 acres were not uncommon in the late 1800's and early 1900's. By State-Federal cooperative efforts large fires now comprise less than 1 percent of the total number of fires annually and seldom exceed 50,000 acres in size. However, these fires cause the bulk of the losses sustained by our natural resources and improvements and continue to challenge fire organizations.

People are now building homes in forested areas which were considered remote only a few years ago. There is vastly increased recreation use of these lands. The increased fire danger caused by this greater use, the increased values of the resources, and a greatly increased cost of protection all point up the need for an increase in funds used for fire protection.

Passage of the Weeks law in 1911 started Federal cooperation with the States in forest fire control. An expanded program for fire control on forest and nonforested watersheds was made possible by section 2 of the Clarke-McNary Act of 1924. In 1924 there were 33 States cooperating in the program. Today all 50 States have active cooperative fire control organizations.

Federal expenditures have increased from \$360,000 in 1924 to \$16.5 million in fiscal year 1970. During this same 46 years State expenditures have increased from about \$1.9 million to over \$97 million. Mr. President, I ask unanimous consent to have inserted in the RECORD a table showing the most current Federal allotment to each State.

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

PRELIMINARY ALLOTMENTS—FISCAL YEAR 1971, FEDERAL ALLOTMENTS TO STATES FOR FOREST FIRE COOPERATION UNDER SEC. 2, CLARKE-McNARY LAW, ACT OF JUNE 7, 1924 (43 STAT. 653), AUGUST 1970

[50 States]

State (1)	Allotments based on regular formula computation				Allotments based on percent each State received of fiscal year 1969 allotments			
	Portion of allotment based on cost of protection (1965 estimates)		Portion of allotment based on expenditures		Total Federal allotments to States based on regular formula (col. 3 plus col. 5, dollars)	Percent each State received of total fiscal year 1969 allotments (percent)	Allotment of fiscal year 1971 appropriation increase using col. 7 percentages	Grand total fiscal year 1969 Federal allotments to States (col. 6 plus col. 8, dollars)
	Estimated cost of protection (M dollars)	Regular allotments .1289387 of col. 2	Average State and private expenditures, fiscal years 1967-69	Extra allotment				
Idaho	\$1,177	\$151,761	\$1,024,922	\$128,612	\$280,373	1.71	\$33,345	\$313,718
Montana	691	89,097	507,733	66,346	155,443	1.17	22,815	178,258
North Dakota	54	6,963	12,166	13,310	20,273	0.16	3,120	23,393
Total R-1	1,922	247,821	1,544,821	208,268	456,089	3.04	59,280	515,369
Colorado	635	81,876	338,085	41,788	123,664	0.87	16,965	140,629
Kansas	777	100,185	513,460	65,559	165,744	1.17	22,815	188,559
Nebraska	723	93,867	311,908	35,563	129,430	0.90	17,550	146,980
South Dakota	434	55,959	100,580	7,278	63,237	0.39	7,605	70,842
Wyoming	634	81,747	95,915	2,311	84,058	0.51	9,945	94,003
Total R-2	3,208	413,634	1,359,948	152,499	566,133	3.84	74,880	641,013
Arizona	61	7,865	29,442	38,185	46,050	0.36	7,020	53,070
New Mexico	349	45,000	154,065	22,627	67,627	0.53	10,335	77,962
Total R-3	410	52,865	183,507	60,812	113,677	0.89	17,355	131,032

Footnotes at end of tables

State (1)	Allotments based on regular formula computation					Allotments based on percent each State received of fiscal year 1969 allotments			Grand total fiscal year 1969 Federal allotments to States (col. 6 plus col. 8 dollars)
	Portion of allotment based on cost of protection (1965 estimates)		Portion of allotment based on expenditures		Total Federal allotments to States based on regular formula (col. 3 plus col. 5, dollars)	Percent each State received of total fiscal year 1969 allotments (percent)	Allotment of fiscal year 1971 appropriation increase using col. 7 percentages		
	Estimated cost of protection (M dollars)	Regular allotments 1289387 of col. 2	Average State and private expenditures, fiscal years 1967-69	Extra allotment					
Nevada	\$755	\$97,348	\$432,267	\$54,057	\$151,405	\$0.95	\$18,525	\$169,930	
Utah	559	72,077	296,755	36,646	108,723	0.70	13,650	122,373	
Total R-4	1,314	169,425	729,022	90,703	260,128	1.65	32,175	292,303	
California	3,001	386,945	24,823,673	583,893	* 970,838	7.58	147,810	1,118,648	
Hawaii	115	14,828	63,221	34,279	* 49,107	0.39	7,605	56,712	
Total R-5	3,116	401,773	24,886,894	618,172	1,019,945	7.97	155,415	1,175,360	
Oregon	1,780	229,511	3,849,512	274,177	503,688	3.86	75,270	578,958	
Washington	1,753	226,029	3,711,028	281,841	* 507,870	3.97	77,415	585,285	
Total R-6	3,533	455,540	7,560,540	556,018	1,011,558	7.83	152,685	1,164,243	
Alabama	1,726	222,548	1,549,876	187,088	* 409,636	3.20	62,400	472,036	
Arkansas	1,671	215,457	1,432,308	190,188	* 405,645	3.17	61,815	467,460	
Florida	1,901	245,112	5,220,385	297,776	* 542,888	4.24	82,680	625,568	
Georgia	1,868	240,857	4,851,511	333,614	* 574,471	4.49	87,555	662,026	
Kentucky	1,355	174,712	1,029,427	126,205	300,917	2.21	43,095	344,012	
Louisiana	1,703	219,583	2,653,988	255,564	475,147	3.55	69,225	544,372	
Mississippi	1,741	224,482	1,956,877	234,375	* 458,857	3.58	69,810	528,667	
North Carolina	1,817	234,282	2,699,714	256,576	490,858	3.79	73,905	564,763	
Oklahoma	1,211	156,145	303,493	24,033	180,178	1.32	25,740	205,918	
South Carolina	1,658	213,780	2,049,934	222,548	436,328	3.17	61,815	498,143	
Tennessee	1,572	202,692	2,374,190	243,260	445,952	3.36	65,520	511,472	
Texas	1,249	161,044	1,077,772	171,368	* 332,412	2.60	50,700	383,112	
Virginia	1,654	213,265	1,772,615	200,564	413,829	3.12	60,840	474,669	
Total SA (S&PF)	21,126	2,723,959	28,972,090	2,743,159	5,467,118	41.80	815,100	6,282,218	
Connecticut	485	62,535	328,054	43,310	105,845	0.83	16,185	122,030	
Delaware	45	5,802	22,235	19,198	* 25,000	0.14	2,730	27,730	
Illinois	473	60,988	267,785	33,729	94,717	0.73	14,235	108,952	
Indiana	329	42,421	179,772	32,241	* 74,662	0.58	11,310	85,972	
Iowa	156	20,114	84,848	33,717	* 53,831	0.42	8,190	62,021	
Maine	1,410	181,804	1,422,389	201,223	* 383,027	2.99	58,305	441,332	
Maryland	708	91,289	751,635	100,841	192,130	1.27	24,765	216,895	
Massachusetts	704	90,773	458,633	98,626	* 189,399	1.48	28,860	218,259	
Michigan	1,678	216,359	2,375,227	266,322	* 482,681	3.77	73,515	556,196	
Minnesota	1,349	173,938	948,214	135,810	* 309,748	2.42	47,190	356,938	
Missouri	1,481	190,958	1,512,027	178,213	369,171	2.72	53,040	422,211	
New Hampshire	494	63,696	266,846	38,521	* 102,217	.80	15,600	117,817	
New Jersey	799	103,022	759,610	100,353	203,375	1.38	26,910	230,285	
New York	1,368	176,388	1,845,471	209,513	385,901	2.88	56,160	442,061	
Ohio	628	80,974	603,437	81,587	162,561	1.14	22,230	184,791	
Pennsylvania	1,183	152,535	1,728,527	202,424	* 354,959	2.77	54,015	408,974	
Rhode Island	206	26,561	228,422	32,924	59,485	.39	7,605	67,090	
Vermont	164	21,146	95,688	38,383	* 59,529	.47	9,165	68,694	
West Virginia	878	113,208	510,900	69,188	* 182,396	1.42	27,690	210,086	
Wisconsin	1,643	211,846	2,171,926	230,633	442,479	3.30	64,350	506,829	
Total NA (S&PF)	16,181	2,086,357	16,561,646	2,146,756	4,233,113	31.90	622,050	4,855,163	
Alaska	635	81,876	330,653	56,863	* 138,739	1.08	21,060	159,799	
United States of America	51,445	6,633,250	82,129,121	6,633,250	13,266,500	100.00	1,950,000	15,216,500	

From total C-M 2 appropriation for fiscal year 1971:	
Regional and W.O. administration and inspection	\$1,081,845
Nationwide fire prevention campaign	160,000
Allotted to States	15,216,500
Available for conditional distribution	10,655
Total funds available for cooperative forest fire control	16,469,000

<sup>1</sup> Reduced to 1/4 of the 1965 estimate of basic protection, or a lesser amount which the State can match.  
<sup>2</sup> States which would have received a greater reduction if the 3 1/4 percent limitation factor had not been applied.

Factors: Estimated cost and excess expenditures were adjusted by the application of a sliding scale reduction using a unit of \$300,000. The first \$300,000 of each was recognized 100 percent; the second 90 percent; the third 80 percent; and so on to 10 percent. All over \$3,000,000 was recognized at 5 percent.

Mr. PACKWOOD. Mr. President, Federal participation under the Clarke-McNary Act is authorized up to 50 percent of the total cost. Fiscal year 1970 data show the Federal share to be 14.5 percent while the State share is 85.5 percent. Periodic studies are made to determine the cost of providing adequate fire protection. In 1949 the study showed this cost to be at least \$40 million, on a 50-50 matching basis, the Federal share would be \$20 million. Congress approved a new authorization level of \$20 million in October 1949. The most recent study made in 1965 concluded that \$123 million would be needed to provide an acceptable level of fire protection. At today's

prices this same level is estimated to cost \$138 million.

The Battelle Memorial Institute of Columbus, Ohio, made a study in 1958 which determined the Federal share of fire control costs to be in the range of 59 to 40 percent and the State share from 41 to 60 percent. In 1969, a study made by the Southern Forest Resources Analysis Committee estimated the Federal share for southern fire costs should be 29 percent of the total fire control costs. Using this more recent information and applying it to the \$138 million estimated program costs for all 50 States, the Federal share would be \$40 million.

Many years of program experience has

shown that each increase in Federal appropriation has resulted in an increase in State expenditures. Federal funds stimulate action both in increased State funds and in placing more lands under protection and providing more adequate protection for other areas. In order for the forest and nonforested watershed lands in the Clarke-McNary program to make their optimum contribution to the fulfillment of the needs of a growing population, a greater Federal effort is necessary.

The PRESIDING OFFICER (Mr. TUNNEY). The bill will be received and appropriately referred.

The bill (S. 684) to supplement the

act of June 7, 1924 (43 Stat. 653) introduced by Mr. PACKWOOD, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

**S. 685—INTRODUCTION OF HUMANE SEAL PROTECTION ACT OF 1971**

Mr. PACKWOOD. Mr. President, I am today introducing legislation to prohibit the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals in the annual hunt on the Pribilof Islands.

The utilization of inhumane seal killing has been the subject of many, many letters to me from conservationists across the Nation.

Seal clubbing should, along with the inhumane practice of killing female seals and seal pups, be terminated as speedily as possible. The purpose of my bill is to end this senseless and brutal practice. This practice cannot be tolerated in a civilized age.

Mr. President, I ask that the text of my bill be printed in the RECORD following these remarks.

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

The bill (S. 685) to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water under the jurisdiction of the United States, introduced by Mr. PACKWOOD, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 685

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Humane Seal Protection Act of 1971.*

SECTION 1. Section 104 of the Fur Seal Act of 1966 is amended by adding at the end of subsection (a) thereof the following new subsections:

"(b) The killing of seals by clubbing shall be prohibited after July 1, 1972.

"(c) The taking of the skin of any seal under one year of age, and of any female seal, shall be prohibited."

Subsection (b) of the Act shall be redesignated subsection (d).

SEC. 2. Section 109(d) of the Act is amended by adding at the end thereof the following: "by any means, except after July 1, 1972, by clubbing."

SEC. 3. Section 404 of the Act is amended by adding at the end thereof the following:

"Whoever knowingly transports in interstate commerce, or knowingly sells subsequent to such transportation, any package containing any sealskin, or any product manufactured, made, or processed, in whole or in part, from such sealskin, which has been taken in violation of any provision of this Act shall be fined not more than \$2,000, or imprisoned not more than one year, or both, and the gross revenue derived from any such sale of any such illegally taken skin shall be confiscated by the Secretary of the Interior and deposited into the Pribilof Island fund in the Treasury."

SEC. 4. Section 405 of the Act is amended by adding at the end thereof the following:

"The Secretary shall initiate or contract for research on alternative means of killing seals, with the end of replacing the currently used method of clubbing. On the basis of such research, he shall determine which killing technique is maximally painless to the seals, and shall, not later than April 1, 1972, adopt regulations requiring that after July 1, 1972, such technique be the only permissible method of killing seals.

"The Secretary shall, moreover, initiate or contract for research on shortening the seal drive from rookery to hauling ground, and on minimizing the stress upon seals during that drive."

**S. 687—INTRODUCTION OF THE OPPORTUNITIES INDUSTRIALIZATION ASSISTANCE ACT**

Mr. BOGGS. Mr. President, I am introducing today what I believe may become landmark legislation in the field of manpower training. I doubt if there is a Member of the body who would deny the urgent need for effective manpower training programs to reduce unemployment, to provide the poor with avenues to success, or simply to guarantee that every man will know the fulfillment of working up to his full potential.

The legislation I am introducing today would, I believe, make a significant contribution to each of these goals. I am referring to comprehensive Federal support for a job training program of unprecedented success—Opportunities Industrialization Centers.

I am pleased to announce that I am joined in sponsoring this legislation by the distinguished Senator from Indiana (Mr. BAYH), the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Oklahoma (Mr. HARRIS), the distinguished Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from Maine (Mr. MUSKIE), the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER), and the distinguished senior Senator from Pennsylvania (Mr. SCOTT).

The first Opportunities Industrialization Center was founded 7 years ago in Philadelphia as a result of the labors and enthusiasm of the Reverend Doctor Leon H. Sullivan. Since then, OIC's have expanded to more than 100 cities throughout the country.

The unique nature of the OIC program is largely responsible for the success it has enjoyed. The key is that OIC's are not merely job training enterprises. They are comprehensive programs which begin with pretraining counseling and end with job placement and followup at regular intervals.

All too often it has been discovered that manpower training programs that lift the unskilled from their urban environment for intensive job training some distance away have not succeeded. Often the trainee is not sufficiently motivated; or he feels homesick or inadequate to complete the program; or he does not see his training as relating to a particular job. The OIC approach has been carefully structured to avoid these pitfalls.

For example, OIC's are located where

the need for job training is greatest—within our urban centers. The trainee remains with his family and friends in his own neighborhood. OIC's prepare the individual for actual job training by means of a prevocational feeder program. The feeder program is designed to provide him with basic reading and writing skills, to improve his attitudes and to build his self-confidence—all critical elements for a successful manpower program. Following completion of the feeder program, the trainee learns a skill which is in demand by businesses in the area. The trainee thus has a realistic goal for which to strive. Many times he is guaranteed employment before his training at OIC is completed.

Despite inadequate funding, OIC's have attained a record of unqualified success. Of trainees completing the OIC course, 71.2 percent have been placed in jobs. As further evidence of its successful record and personalized approach, OIC's have a retention rate of 76 percent, the highest of any manpower training program in the country.

Mr. President, it would be a great pleasure for me to give credit to the Federal Government for this impressive record. Unfortunately, that is not the case. The total Federal investment in OIC's from 1964 to 1969 was only \$45.9 million. This averages little more than \$7.5 million per year in an annual OIC budget totaling \$25 million.

Dollar for dollar the return on this investment has been far greater than money which has been poured into manpower programs run by the Federal Government. Cost per trainee is about \$1,500, which is about a third of what many Federal programs cost.

Mr. President, I believe it is time to strengthen the Federal commitment to this proven program. The bill that I am introducing today would authorize \$432 million for OIC's over the next 3 years. These funds would permit the full operation of the more than 100 existing OIC's, most of which are either understaffed or offering only part of the total OIC program.

In addition, this bill would place OIC's among those manpower training programs for which the Secretary of Labor is directed to make funds available. Previous Federal assistance for OIC's has been beset with the problems of multi-agency funding—separate funding cycles, multiple applications, and bureaucratic delays. OIC support currently is administered in part by the Department of Labor, the Department of Health, Education, and Welfare, the Department of Commerce, and the Office of Economic Opportunity. This legislation would make OIC funding exclusively the responsibility of the Secretary of Labor.

As Members of this body may recall, this legislation is not new. I introduced similar legislation last year which was adopted as an amendment to the Employment and Manpower Act of 1970 which was vetoed. The OIC provision of that bill was not a cause of that veto. It was, I believe, the only section of the bill to enjoy near unanimous support of the Senate.

Extensive hearings on the OIC program were held last year by the Employment, Manpower, and Poverty Subcommittee of the Senate Labor and Public Welfare Committee. I was privileged to testify at those hearings along with Dr. Sullivan and a number of others.

The report of that committee bears out the consensus of all who participated in those hearings: "The facts clearly seem to justify the conclusion that this is an unusually successful and surprisingly low-cost manpower program, solidly accepted both by the poverty community and the private sector.

It is my hope that by introducing comprehensive OIC funding as a separate bill today, Federal assistance for this outstanding program will no longer be denied.

Mr. President, I send this bill to the desk for appropriate reference and ask that the text be printed in the RECORD at this point.

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

The bill (S. 687) to authorize financial assistance for Opportunities Industrialization Centers, introduced by Mr. Boggs (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

#### S. 687

*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 "Opportunities Industrialization Assistance Act".*

#### DEFINITIONS

Sec. 2. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Labor; and

(2) "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

#### APPROPRIATION AUTHORIZED

Sec. 3. For the purpose of carrying out this Act, there are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1972, \$147,000,000 for the fiscal year ending June 30, 1973, and \$185,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

#### PROGRAMS AUTHORIZED

Sec. 4. The Secretary shall make financial assistance available under this Act for the establishment and operation in any State of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, family planning, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that ade-

quate provisions are made to assure that (1) residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

#### EQUITABLE DISTRIBUTION OF ASSISTANCE

Sec. 5. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels.

#### LIMITATIONS ON FEDERAL ASSISTANCE

Sec. 6. Federal financial assistance to any program carried out pursuant to this Act shall not exceed 90 per centum of the cost of such program, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the objectives of this Act. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

#### ADMINISTRATION

Sec. 7. (a) The Secretary shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

(b) The Secretary may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

(c) In carrying out his functions under this Act, the Secretary is authorized to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

#### REPORT

Sec. 8. The Secretary shall transmit, as a part of the annual report required of the Department of Labor, a detailed report setting forth the activities conducted under this Act, including information on the extent to which participants in such activities subsequently secure and retain employment.

Mr. HARRIS. Mr. President, I am pleased to join with the distinguished senior Senator from Delaware (Mr. Boggs) as a cosponsor of legislation to authorize direct Federal funding for the Opportunities Industrialization Centers.

Under the proposed bill financial assistance would be made available over the next 3 years in the amount of \$432 million for the establishment and operation of OIC's to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Services of the program would include recruitment, counseling, remediation, vocational training, job development, job placement, family planning and other related services.

Clearly, the capacity to obtain and hold a good job is considered a fundamental test of true participation in American society.

With the present unemployment rate currently at 6 percent, and nonwhite unemployment hovering around 9.5 percent, it seems particularly appropriate for the Congress to act swiftly on this legislation. In its present form the bill will significantly complement the Manpower bill (S. 31) introduced earlier this session by Senator NELSON.

Even more important perhaps than unemployment is the related problem of the undesirable kinds of jobs available to minority groups. Nonwhite workers are concentrated in the lowest skilled and lowest paying occupations. These jobs often involve substandard wages instability, extremely low status in the eyes of both the employer and employee, provide little or no opportunity for meaningful advancement, and unpleasant or exhausting duties. Negro males in particular are more than three times as likely as whites to be in unskilled or service jobs which pay far less than most.

Thus it seems that the upgrading of nonwhite workers and other similarly disadvantaged workers to help make their occupational distribution similar to that of the labor force as a whole would have an immense effect on the nature of their occupations.

Instant upgrading, however, does not represent a practical alternative for national policy. The condition of the present work force is such that the economy cannot at once reduce the total number of low status jobs it now contains, or shift large numbers of people in upward occupations. Therefore, major upgrading in the employment status of minority and other disadvantaged workers must come through faster relative to expansion of higher level jobs than lower level jobs, improvement in the skills of these workers so that they can obtain a large proportion of the added better jobs, and a drastic reduction in discriminatory hiring and promotional practices.

A great deal of the training to improve the skill levels of disadvantaged workers can be handled by private nonprofit community based organizations. This it appears, is in keeping with the policies of the present and previous administrations to stimulate local and private initiative, and to get people affected by poverty involved in the process of bettering their living and working conditions.

Perhaps no program has contributed more to this philosophy than OIC. That is why I join in cosponsoring the OIC bill and urge its earliest passage by the Congress.

#### S. 688—INTRODUCTION OF A BILL TO ESTABLISH THE AMISTAD NATIONAL RECREATION AREA, TEXAS

Mr. TOWER. Mr. President, I introduce today a measure to establish the Amistad National Recreational Area in the State of Texas along its border with the Republic of Mexico. The establishment of this area will be a fitting monument to the great deeds of the Amistad

Treaty with Mexico and will further the purposes for which the treaty was consummated: Amistad—in English “friendship”—is the State motto of Texas and it is fitting that the area along the border with our sister Republic should be so named.

The interests of our Nation in furthering its most important relations with the Mexican Republic will be greatly served by approval of this measure. The State of Texas and the Nation will be served by the preservation for recreation, hunting, and camping of some of the most ruggedly beautiful areas remaining. It is certainly my hope that the Senate Committee on the Interior will give quick approval to the measure, and likewise the entire Senate, so that the acquisition of the site may be started and the area preserved.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

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

The bill (S. 688) to establish the Amistad National Recreation Area in the State of Texas, introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 688

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for public outdoor recreation and use and enjoyment of that portion of the Amistad Reservoir in the United States on the Rio Grande, Devils, and Pecos Rivers and surrounding lands in the State of Texas, and for the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is established the Amistad National Recreation Area in the State of Texas. The boundary of the national recreation area shall be that generally depicted on drawing numbered RA-AMF-20013, dated April 1968, entitled “Proposed Amistad National Recreation Area, Texas,” which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may by publication of notice in the Federal Register make minor adjustments in the boundary, except that the total acreage of the area may not be increased to more than a total of sixty-five thousand acres.*

Sec. 2. (a) Within the boundary of the Amistad National Recreation Area the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Such acquisitions shall be in addition to the lands and interests therein acquired for the purposes of the Amistad Dam and Reservoir as contemplated in the treaty between the United States of America and Mexico regarding the utilization of the Colorado, Tijuana, and Rio Grande Rivers, signed at Washington, February 3, 1944 (59 Stat. 1219) described in Minute numbered 207 adopted June 19, 1958, by the International Boundary and Water Commission, United States and Mexico, and authorized by the Act of July 7, 1960 (74 Stat. 360).

(b) In exercising his authority to acquire property by exchange, the Secretary of the Interior may accept title to any non-Federal

property within the Amistad National Recreation Area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The Commissioner for the United States, International Boundary and Water Commission, United States and Mexico, may on request of the Secretary of the Interior, act as his agent with respect to the land acquisition program authorized by subsection (a) and the Secretary may transfer to the Commission from time to time the funds necessary for such purpose.

Sec. 3. (a) The Secretary of the Interior shall administer the Amistad National Recreation Area in a manner that is coordinated with the other purposes of the reservoir project, and in a manner that in his judgment will best provide for public outdoor recreation benefits and conservation of scenic, scientific, historic, and other values contributing to public enjoyment.

(b) In the administration of the national recreation area the Secretary may utilize the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and such other statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development not incompatible therewith.

(c) Employees of the Department of the Interior designated for the purpose may make arrest for violations of any Federal laws or regulations applicable to the area and they may bring the accused person before the nearest commissioner, judge, or court of the United States.

(d) Any United States commissioner appointed for the Amistad National Recreation Area may try and sentence persons committing petty offenses, as defined in title 18, section 1, United States Code, except that the commissioner shall apprise the defendant of his right to elect to be tried in the district court of the United States, and the commissioner may try the case only after the defendant signs a written consent to be tried before the commissioner. The exercise of additional functions by the commissioner shall be consistent with and be carried out in accordance with the authority, laws, and regulations of general application to United States commissioners. The provisions of title 18, section 3402, United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such commissioner. Chapter 231, title 18, United States Code, shall be applicable to persons tried by the commissioner and he shall have power to grant probation. The commissioner shall receive the fees, and none other, provided by law for like or similar services.

Sec. 4. The Secretary of the Interior shall permit hunting and fishing on the lands and waters under his jurisdiction within the national recreation area in accordance with the applicable laws of the State of Texas, except that the Secretary may establish periods when, and designate zones where, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment. Except in emergencies, any regulations of the Secretary under this section shall be issued after consultation with the Park and Wildlife Commission of the State of Texas.

Sec. 5. Nothing in this Act shall be con-

strued to be in conflict with the commitments or agreements of the United States with respect to the use, storage, or furnishing of water and the production of hydroelectric energy made by or in pursuance of the treaty between the United States of America and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 3, 1944 (59 Stat. 1219), or the Act of July 7, 1960 (74 Stat. 260).

Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

#### S. 689—INTRODUCTION OF A BILL TO ESTABLISH THE CHANNEL ISLANDS NATIONAL PARK IN THE STATE OF CALIFORNIA

Mr. TUNNEY. Mr. President, one of nature's last unspoiled frontiers—the Channel Islands off the California coast at Santa Barbara—provide refuge for wildlife and unrivaled opportunities for public recreation.

I believe the islands should be brought under the permanent wing of Federal protection as a national park, and I have introduced legislation to that effect today.

My senior colleague from California, Senator CRANSTON, and I have worked closely on this legislation, and today he is introducing a companion measure for a feasibility study of the proposed park. I am a cosponsor of his bill as he is of mine.

The islands are awesomely primitive, and seals and a variety of seabirds find sanctuary in this magnificent wilderness.

The islands—Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa—are, in fact, a vast ecological laboratory.

The islands truly are breathtaking. Ringed by white surf, touched by whiffs of fog, they are rugged and, when I visited them last year by helicopter, I felt I had stepped back vast centuries.

These islands, of such unique scenic, scientific, and natural value, can best be preserved if they are established as a national park, and I earnestly hope for favorable action on my bill.

The PRESIDING OFFICER (Mr. Brock). The bill will be received and appropriately referred.

The bill (S. 689) to establish the Channel Islands National Park in the State of California, and for other purposes, introduced by Mr. TUNNEY (for himself and Mr. CRANSTON), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

#### SENATE JOINT RESOLUTION 30—INTRODUCTION OF A JOINT RESOLUTION TO PLACE THE QUESTION OF APPROVAL OF DMSO FOR HUMAN USE AS A PRESCRIPTION DRUG BEFORE THE NATIONAL ACADEMY OF SCIENCES

THE “WONDER DRUG OF THE 1960’s” IS STILL NOT AVAILABLE IN THE UNITED STATES

Mr. HATFIELD. Mr. President, the President and many Members of Congress have singled out national health as a matter of primary concern for the new Congress. I am in complete agreement with the objective of delivering safe,

effective, and low-cost medical services to all of our people. The availability of safe and efficacious drugs is one very important step toward this goal. Today I would like to speak with my colleagues about one drug that often has been called "The Wonder Drug of the 1960." It is dimethyl sulfoxide—DMSO—and it is not available for human use as a prescription drug in the United States today.

In July 1964, following publication of the first scientific literature on DMSO, *Life* magazine wrote:

If DMSO lives up to its expectations it will come closer to being the legendary panacea than any drug in all medical history.

In the spring of 1965, following presentation of scientific data on DMSO before the annual Science Writers Seminar of the American Cancer Society, an editorial in the *New York Times* concluded that—

DMSO is the first wonder drug of the 1960's.

What has happened to DMSO? Has this compound really lived up to its expectations?

After over 1,200 scientific publications on the merits of DMSO, after international symposia in Germany, the United States, and Austria—all concluding that DMSO is safe and effective, after three separate pharmaceutical firms have submitted four new drug applications to the Food and Drug Administration, DMSO is still not available to Americans, though it is available in many other countries.

Dr. Stanley Jacob, a codiscoverer and foremost researcher of DMSO, has summed up the history, the current situation, the known properties and potentials of DMSO in a letter he recently sent me. It is written in language readily understandable to the layman. I ask unanimous consent that this letter be printed at this point in the *RECORD*.

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

UNIVERSITY OF OREGON  
MEDICAL SCHOOL,  
Portland, Oreg., February 2, 1971.

Senator MARK HATFIELD,  
Washington, D.C.

DEAR SENATOR HATFIELD: I would like to give you a summary of some of the high points in the stormy history of dimethyl sulfoxide (DMSO) and provide you with a status report.

In 1963 clinical evaluation of DMSO as a therapeutic agent began in the United States. Six American pharmaceutical firms including Merck, Sharp & Dohme, Syntex, Squibb, Geigy, Schering and American Home Products sought and were granted Investigational New Drug (IND) approvals from FDA to evaluate DMSO. These companies began investigations under Food and Drug Administration regulations in early 1964. Over 1,300 licensed physicians took part as investigators.

By the spring of 1965 three of these firms, Merck, Sharp & Dohme, Syntex and Squibb had completed their evaluations and were satisfied that DMSO was safe and effective. They submitted to the FDA New Drug Applications (NDA's) stating that DMSO was ready to be a prescription drug in the United States. I am told that the volume of data in these three applications in terms of safety and efficacy of DMSO exceeded anything previously submitted to the Food and Drug Administration.

In November 1965 the FDA halted studies

on DMSO giving as its reasons that the investigations on DMSO had been abused by the pharmaceutical industry and also that DMSO produced an alteration in the lens of the eye of some experimental test animals.

DMSO became a prescription drug in Germany and Austria in June 1967. In September 1968 FDA loosened restrictions on experimental use of DMSO in the United States. This followed an extensive toxicologic evaluation carried out at the California Medical Facility by Squibb in which humans were given five to ten times the average human dose for 90 days. These prisoner volunteers were given 1 gram of DMSO per kilogram of body weight by skin per day; the average human dose is 0.1–0.2 g/Kg by skin per day. No serious toxicity occurred.

In June 1970 after again completing a substantial number of additional controlled clinical evaluations Squibb resubmitted to the FDA an application stating that DMSO was ready to be a prescription agent in the United States. In October 1970 following a conference with officials at FDA, Squibb suddenly withdrew its application. I do not know the reasons behind this withdrawal.

Since the initial report on the possible use of DMSO as a pharmacologic agent in 1963 over 1,200 related articles have appeared in the world's scientific literature. Three international symposia have been held on DMSO as a drug—one in Berlin, one in New York under the auspices of the New York Academy of Sciences and one in Vienna, Austria. All three of these symposia concluded DMSO was safe and effective.

I would like to summarize for you some of the known scientific information on DMSO.

DMSO like all therapeutic compounds has side effects. One should remember that there is no such thing as a perfectly safe drug.

However, data in the literature on now over 25,000 patients treated with DMSO shows that this is a substance with very few significant side effects. The side effects recorded are for the most part of the nuisance variety such as skin irritation. In some lower animal species DMSO in large doses produces a near-sightedness; however, humans have been treated for prolonged periods of time with large doses of DMSO and these changes have not occurred. Monkeys, with eye structure similar to man, have been given over a hundred times the human dose and at levels in excess of that known to cause changes in lower animals without this lens change occurring. Informed scientific opinion believes this lens alteration on which FDA partially based its halt of DMSO studies in 1965 is of no significance to human therapy in the dosage range being employed.

DMSO is very active in objective pharmacologic laboratory evaluations. The best documented and currently most important pharmacologic properties include the fact that DMSO passes through most tissues of the body and permits the movement of other chemicals with it. DMSO, for instance, will carry penicillin through the skin without a needle. The U.S. Air Corps has demonstrated that a patient can actually be fed by dissolving protein, fat and carbohydrate in DMSO and painting it on the skin. DMSO in experimental animals reduces pain. DMSO in animals significantly relieves swelling and inflammation. DMSO slows the growth of fungi, bacteria and viruses. The administration of DMSO produces improved circulation. DMSO brings about muscle relaxation. The use of DMSO has been associated with dissolving of scar tissue in many diseases such as keloids of the skin and scleroderma. There are other primary pharmacologic actions making DMSO easily the most active agent ever studied in terms of primary pharmacologic activity.

Evaluations on the clinical effectiveness of DMSO have been reported in a wide range of clinical diseases. Many of these have been well controlled evaluations. Among the en-

titles for which effectiveness has been shown are pain problems not responsive to other medications, acute and chronic bursitis, gouty arthritis, degenerative arthritis, rheumatoid arthritis, sinusitis, resistant middle ear infections, and literally over 100 other diseases. For many of these diseases we have no other effective treatment but DMSO.

DMSO has been shown to possess a potential for the treatment of heart disease. A study from Walter Reed Army Medical Center on animals with heart attacks shows that the administration of DMSO permits the hearts of the experimental animals to heal with significantly less scar tissue. DMSO has been used as a carrier for anti-tumor agents in animals and man with preliminary encouraging results.

When the New York Academy of Sciences held its symposium on DMSO in March 1966 Dr. Chauncey Leake, senior lecturer in pharmacology at the University of California in San Francisco, summed up the three-day session with these words, "The well known legal phrase *res ipsa loquitur* applies to the DMSO situation. Rarely has a new drug come to the attention of the members of the health profession with so much verifiable information from so many parts of the world both as to safety and efficacy". These words were spoken in March 1966. Since that time even more evidence has come to light to indicate that this is a safe, effective compound and treatment for diseases for which we have no other effective treatment.

Sincerely,  
STANLEY W. JACOB, M.D.,  
Associate Professor, Department of Surgery.

Mr. HATFIELD. Mr. President, despite the very impressive evidence outlined in Dr. Jacob's letter, DMSO is not only unavailable, but no application for its use as a prescription drug for humans is under consideration at the present time by the Food and Drug Administration. The last application by Squibb having been rejected in October of last year.

During 1970, as well as years preceding, I inquired frequently of the Food and Drug Administration as to the progress of DMSO applications. In July of 1970 DMSO was finally approved for use by veterinarians on horses. This was the first and last positive action by FDA on DMSO. Dr. J. Harold Brown, of Seattle, Wash., has completed two studies on DMSO that have been highly praised by the scientific community. The letter he sent me last August is a good example of many such letters I have received from scientists regarding DMSO. I ask unanimous consent that Dr. Brown's letter be printed at this point in the *RECORD*.

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

SEATTLE WASH.,  
August 19, 1970.

Hon. MARK O. HATFIELD,  
U.S. Senate,  
New Senate Office Building,  
Washington, D.C.

DEAR SENATOR HATFIELD: Together with many qualified scientists from a multitude of specialties affiliated with medicine, it has been my privilege to have worked with Dimethyl Sulfoxide (DMSO) in clinical investigation. It is a unique medication, being absorbed through intact human skin, with the property of vehicularizing and transporting other effective therapeutic medication through that skin. DMSO itself is therapeutically effective. It is as great an addition to our therapeutic armamentarium, as was penicillin some 35 years ago.

My investigation of this drug has been practical and clinical. I have been impressed with its value in the treatment of many diverse conditions, but am particularly enthusiastic about its value in the treatment of acute musculoskeletal soft tissue disorders. My experience by double blind study into its efficacy, using it in pure form without additional vehicularized agents, has been scientifically documented. My most recent study was completed in 1969. I am presently preparing a scientific paper which will be published within the next six months. It will be completed soon. I will send you a copy of this paper prior to the time it is submitted for publication.

It is my understanding that one of our large and respected pharmaceutical houses has recently submitted an NDA for DMSO to the Food and Drug Administration. Recognizing the usual bureaucratic delays, review of this application may not occur for as long as three or four months and intolerable delays may ensue in bringing this medication to the prescription market for the use of physicians in more adequately treating their patients. I hope that prompt release of the drug for medical use can be effected so that those who are sick and injured can benefit from this most effective and welcome addition to our therapeutic knowledge.

May I respectfully submit and urge that you pursue your present efforts to further its consideration and release by our Food and Drug Administration? In speaking for those professionals who have worked with this drug and know the therapeutic benefit that can be accomplished by intelligent application to patients under the direction of physicians, I emphasize our interest in the best traditions of medicine, outlined by the Hippocratic oath.

Thank you for your consideration of this correspondence.

Your very truly,

J. HAROLD BROWN, M.D.

Mr. HATFIELD. Mr. President, neither correspondence nor meeting with FDA officials have cleared the issue in my mind of why DMSO is not available to Americans. I have witnessed first hand, the suffering that has been relieved by use of DMSO. Daily I receive letters from Oregonians and people across the country desperate to obtain the drug for themselves or members of their families. I have listened at length to the researchers and doctors.

Since I have no scientific expertise, I cannot make an absolute statement that DMSO is indeed "a wonder drug of our century," but every bit of evidence I encounter reinforces the premise that it is.

Since the National Academy of Sciences has been at work for some years evaluating all drugs approved by FDA prior to 1962 and still on the market in 1966, I think it is entirely appropriate for the Congress to ask the National Academy to review DMSO. Perhaps a fresh look at the drug will produce a better explanation of what the status of DMSO really should be.

In view of the many dead ends and incomplete information of the FDA, the great frustration of scientists, doctors and patients alike, I introduce a joint resolution to place the entire question of DMSO before the National Academy of Sciences. It is offered in the spirit of seeking clarification and credibility for all parties concerned. I hope that my colleagues will support this resolution on behalf of the Americans who are suffering today from diseases untreatable by

any other known substances, and those who may have need of this drug in the future.

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

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

The joint resolution (S.J. Res. 30) to place the question of approval of dimethyl sulfoxide (DMSO) for human use as a prescription drug before the National Academy of Sciences, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S.J. RES. 30

Whereas dimethyl sulfoxide (DMSO) has been an experimental drug in the United States since 1963;

Whereas four specific applications have been made by three separate pharmaceutical firms to make DMSO a prescription drug for human use in this country, and none of the applications have been approved;

Whereas the scientific literature on DMSO as a drug is extensive making it one of the most thoroughly evaluated experimental drugs in medical history including well substantiated, controlled, and objective studies;

Whereas, according to many scientific determinations, DMSO is effective and safe treatment for diseases untreatable by other methods when used in specifically prescribed manners;

Whereas a careful study of the scientific literature shows that DMSO may possess great value in the investigation and treatment of many other disorders affecting man; and

Whereas the National Academy of Sciences is an appropriate agency to evaluate DMSO inasmuch as the Academy was selected in 1966 to serve in an advisory capacity to the Food and Drug Administration on the question of safety and efficacy of all drugs approved prior to 1962, and still on the market in 1966: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Health, Education, and Welfare shall have the National Academy of Sciences evaluate the safety and efficacy of dimethyl sulfoxide (DMSO) for human use as a prescription drug and report to the Congress the results of such evaluation within one year from the date of enactment of this joint resolution.

SEC. 2. (a) The Food and Drug Administration shall, upon request of the National Academy of Sciences, provide the Academy with any information concerning dimethyl sulfoxide (DMSO) that the Food and Drug Administration has in its custody.

(b) The Food and Drug Administration shall cease all studies and evaluations concerning dimethyl sulfoxide (DMSO) as soon as practicable after the date of enactment of this joint resolution.

SEC. 3. The necessary expenses incurred in carrying out the evaluation and report required under this joint resolution shall be paid out of funds appropriated to the Department of Health, Education, and Welfare.

Mr. HATFIELD. Mr. President, DMSO is an extract of lignin, the cement substance in the wood fiber of trees, it was first synthesized in 1866, and shelved as a scientific curiosity for nearly 80 years.

In 1950 many chemists declared it a good solvent for a number of substances. By one of those miraculous scientific ac-

cidents, Research Chemist Robert Herschler of the Crown Zellerbach Corp., and Dr. Stanley Jacob began to discover how DMSO might be applicable to humans.

Robert Herschler had noticed the highly penetrating quality in plants and trees. An explosion in the laboratory resulted in burns of Herschler's hands and face. Consequently, he offered himself as a "guinea pig" and the studies that the two had been conducting on mice were conducted on Herschler.

The burns treated with DMSO healed faster, with less scarring, the pain and swelling lessened in minutes in contrast to the untreated areas. It was only the beginning of many studies, cutting across many disease lines—just as antibiotics have been used in many ways.

DMSO is a simple substance, costing only about 35 cents a pint in the impure form. I believe we must give it better consideration. One can only wonder how much truth lies in a statement made by Dr. Jacob when he remarked to me not long ago:

You might say that DMSO arrived in overalls at the servant's entrance. Its humble origin and unimpressive arrival on the medical scene was even a strike against it in some quarters.

ADDITIONAL COSPONSORS OF BILLS

S. 142

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Wyoming (Mr. MCGEE), who is absent from this body on official business for the Appropriations Committee, I ask unanimous consent that, at the next printing, the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of S. 142, a bill to amend the Gun Control Act of 1968 to permit interstate transportation and shipment of firearms used for sporting purposes and target competitions.

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

S. 346

At the request of the Senator from Kansas (Mr. PEARSON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 346, the Rural Job Development Act of 1971.

S. 364

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Utah (Mr. MOSS), I request that the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 364, to strengthen the enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972 and succeeding fiscal years in order to carry out the purposes of the act.

S. 391

At the request of the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. CANNON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Wisconsin (Mr. NELSON), the Senator from Wyoming (Mr. MCGEE), and the Senator from Florida (Mr. GURNEY), were added as cospon-

sors of S. 391, to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities.

S. 485

At the request of the Senator from Arizona (Mr. GOLDWATER), the Senator from Indiana (Mr. BAYH), the Senator from Kentucky (Mr. COOPER), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 485, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

S. 497

At the request of the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 497, to create one additional permanent district judgeship in Oregon.

S. 575

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Minnesota (Mr. MONDALE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 575 to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended.

#### ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

S.J. RES 11

On behalf of the Senator from Oregon (Mr. HATFIELD), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 11, to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse."

#### SENATE CONCURRENT RESOLUTION 4—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS ON THE EXPANDED USE OF THE MODEL CITIES PROGRAM

Mr. CHILES. Mr. President, I am very happy to join my distinguished colleague from Massachusetts (Mr. BROOKE) in submitting a concurrent resolution which could mean greater hope for the future of many of our Americans who are facing the despair of unemployment.

In this country there is a growing force of unemployed defense and aerospace scientists and technicians, as well as returning military veterans. These men

have talents, skills, and a willingness to work which they have proven over and over in serving the needs of their country. It appears this force will continue to grow.

We cannot stand idly by and do nothing to help these people find the means of utilizing their capabilities, of providing for themselves and their families. I have seen firsthand the damage that is done to individuals and to communities in the vicinity of Kennedy Space Center in my home State of Florida; people who have done so much for all of us in the space program no longer employed and left with specialties that are not readily marketable today.

This resolution urges the administration to use funds already available in the model cities program to recruit, place, and train on the job up to 1,500 persons from the aerospace industry and 500 returning GI's. They would support local and State governments in their desperate need for qualified personnel to deal with housing problems. It is hoped this would serve as a model which could be expanded to the extent of such need.

Mr. President, we already have the precedent and facilities for such a retraining program. We are not asking for new appropriations. I ask that we adopt the resolution encouraging the administration to pledge its full cooperation in carrying out the program.

The PRESIDING OFFICER (Mr. TUNNEY). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 4), which reads as follows, was referred to the Committee on Banking, Housing and Urban Affairs:

S. CON. RES. 4

Whereas the Congress authorized the Model Cities Program by Title I of the Demonstration Cities and Metropolitan Development Act of 1966; and

Whereas participating state and local governments have taken, through the Model Cities Program, significant steps to improve their capacity to effectively plan and manage the distribution of scarce public resources; and

Whereas one of the roadblocks impeding full achievement of Model Cities objectives as well as the objectives of other Federal programs is the difficulty of state and local governments in attracting qualified personnel; and

Whereas the large number of unemployed defense and aerospace related scientists and technicians and the growing number of "Vietnam era" GI's now being separated from the various services provides the Administration with significant opportunities to assist state and local governments in meeting existing and anticipated personnel needs; and

Whereas a number of Model Cities have initiated with success specific programs to retrain and hire returning GI's and whereas Model Cities initiated in the spring of 1970 an innovative pilot program which led to the recruitment and retraining of "non-urban trained" professionals for placement in positions with city governments throughout the country; and

Whereas it is proposed that the Model Cities Program be the vehicle to recruit, place and train on the job up to 1,500 participants from the aerospace industry and 500 returning GI's in positions in state and local governments; and

Whereas the Model Cities sponsored program will provide the Federal government

with a prototype model or system susceptible of replication: Now, therefore, be it

*Resolved by the Senate of the United States (The House of Representatives concurring)*, That it is the sense of the Congress of the United States that the Model Cities Program should be used to develop and demonstrate a nationwide system to recruit, place and train on the job, out of work aerospace individuals and homeward bound servicemen, and place them in vacant positions in state and local governments, and that the Administration should pledge its cooperation at all levels in helping to carry out the program.

#### SENATE CONCURRENT RESOLUTION 5—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE TO INVESTIGATE THE TREATMENT OF PRISONERS OF WAR IN VIETNAM

Mr. BROOKE. Mr. President, last year I was pleased to join with the distinguished junior Senator from West Virginia (Mr. BYRD) in proposing the creation of a Joint Committee on Treatment of Prisoners of War. Today I reintroduce that concurrent resolution for myself and the distinguished assistant majority leader.

It had long been our concern that insufficient attention was being given to the plight of these men, and that little was known about the conditions in which they—and their families—were forced to live.

Within the last 6 months, I am pleased to say, a great deal of public attention has been focused on the plight of these men. The news media has devoted a considerable amount of time and space to publicizing conditions in North Vietnamese prison camps, and to describing the terrible uncertainty which the families of these men endure. As a result, many millions of Americans have joined in a nationwide campaign of letters and petitions to the Government of North Vietnam, appealing for more humane treatment and extended communication.

These efforts have produced some minor progress: more mail has been getting through to the families of the men, and we can only presume to the men as well. The allowance for packages to the men has increased. Films and interviews have been released purporting to show the "typically humane" treatment which the men receive in the prison camps.

But there are still so many questions unresolved:

How many men are actually being held by the North Vietnamese?

How many of them receive the kind of treatment shown on the films—and how many are being treated in the manner described by some of those who have been fortunate enough to be released or to escape?

How many American prisoners are held by the Vietcong in South Vietnam, or by Communist forces in Laos and Cambodia, and what are the conditions of their imprisonment?

What are the actual conditions under which North Vietnamese and Vietcong prisoners are held and treated in the South, and can any mutual agreements be reached in this area by the two sides?

Are there conditions under which the

North Vietnamese—and possibly the other forces as well—would accept Red Cross or other international inspection of prison facilities?

Is everything being done that should be done by this country to ease the burdens which must be borne by the families of men held prisoner or missing in action?

These are only some of the questions which could be addressed by a joint committee such as we propose. I believe that all of these questions need to be asked, and all available pertinent evidence accumulated and made public.

The committee which we propose would be both small in composition—five Members of each House of Congress—and brief in its duration. Once the hearings had been held and the recommendations made, the committee would cease to exist. Any legislative measures or Executive action which might be proposed would be turned over to the appropriate committees and departments of the Government for consideration and implementation.

Mr. President, ours is a small request in terms of time and expenditure by this body. But it could make a great deal of difference in the lives of those men who have sacrificed so much for this Nation, and in the lives of their families who have bravely borne the burden with them. I urge the prompt and favorable consideration of this resolution and ask unanimous consent that it be printed in full at this point in the RECORD.

The **PRESIDING OFFICER** (Mr. Brock). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 5); which reads as follows, was referred to the Committee on Foreign Relations:

**S. CON. RES. 5**

*Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint committee to be known as the Joint Committee on Treatment of Prisoners of War (referred to hereinafter as the "joint committee").*

(b) The joint committee shall be composed of ten members selected as follows:

(1) Five members of the Senate to be appointed by the President of the Senate, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(2) Five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(c) The joint committee shall select a Chairman and a Vice Chairman from among its members. Six members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner in which original appointments thereto are made.

**FUNCTIONS OF JOINT COMMITTEE**

SEC. 2. (a) It shall be the duty of the joint committee to conduct a complete and comprehensive study and investigation of the treatment of prisoners of war held by the North Vietnamese Government and the treatment of prisoners of war held by the South Vietnamese and United States Governments. In carrying out such study and investigation the joint committee shall obtain testimony from prisoners of war who have been released by the Government of North Vietnam and from the families and relatives of persons being held as prisoners of war by such government.

(b) It shall be the purpose of such study and investigation to determine whether the treatment accorded prisoners of war by all Governments concerned is humane and whether such governments are otherwise complying with the Geneva Convention of August 12, 1949, relating to the treatment of prisoners of war.

(c) On or before June 30, 1971, the joint committee shall transmit to each House of the Congress a report containing the results of its study and investigation. The joint committee shall also include in such report such recommendations for legislative or administrative action as the joint committee shall deem appropriate. Upon the transmittal of such report, the joint committee shall cease to exist.

**HEARINGS**

SEC. 3. (a) In carrying out its duties under this concurrent resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

(b) The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

**STAFF AND ASSISTANCE**

SEC. 4. (a) The joint committee shall have power to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) With the consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, and may employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

(c) With the consent of the chairman of any committee of either House of Congress, or any subcommittee thereof, the joint committee may utilize the information and facilities, and the services of members of the staff, of such committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

**EXPENSES**

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by

any member of the joint committee duly authorized by the chairman.

**SENATE RESOLUTION 49—SUBMISSION OF RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY**

Mr. MONDALE submitted a resolution (S. Res. 49) authorizing expenditures by the Select Committee on Equal Educational Opportunity, which was referred to the Committee on Rules and Administration, by unanimous consent.

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

**NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY**

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Mississippi (Mr. EASTLAND), I wish to state that the following nomination has been referred to and is now pending before the Committee on the Judiciary:

H. Brooks Phillips, to be U.S. marshal for the northern district of Mississippi for the term of 4 years, vice John H. Phillips, deceased.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, February 16, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

**EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS**

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business with statements limited therein to 3 minutes be extended for not to exceed 9 minutes.

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

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

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

**S. 683—INTRODUCTION OF A BILL TO BE KNOWN AS THE QUALITY INTEGRATED EDUCATION ACT OF 1971**

Mr. MONDALE. Mr. President, I introduce for appropriate reference a measure which I call the Quality Integrated Edu-

cation Act of 1971, cosponsored by Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUE, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TUNNEY, and perhaps other Senators who have been studying this proposal.

The basic purpose of this bill—I shall summarize its specific provisions at a later point in my statement—is to refocus school integration efforts on the educational needs of children, and on the most hopeful ways to meet these needs.

Despite the divisive rhetoric of the past 17 years, the real issue is, and always has been, provision of equal educational opportunity to all of our children. It was concern with the educational needs of children which marked the Federal Government's initial involvement with the process of public school integration in 1954, with the Supreme Court's fundamental decision in Brown against Board of Education. It is precisely this concern which we must recapture now.

We have learned over the years that the children who are damaged by segregated education are not only the black, Chicano, Indian, or other minority children who are its most obvious victims. In his testimony before the Select Committee on Equal Educational Opportunity, of which I am chairman, Dr. Kenneth Clark stated that advantaged, white, middle-class children are also damaged by educational systems which fail to practice the principles of racial justice and equality of opportunity that they teach. On another level, all of us and all our children—black, white, and brown, rich, and poor—suffer as each passing year brings us closer to the tragic, divided America foreseen in the report of the President's National Advisory Commission on Civil Disorders.

Although the beginning of the Federal concern for school desegregation, the Brown case, was rooted in deep concern for children and for their education, the process of school desegregation has over the years too often resembled a vicious game in which the education of children is of secondary importance.

In the South where racial segregation was prescribed by law, and in some northern school systems, we have seen a bitter struggle over what is called compliance. The Federal Government claims victory when it achieves conversion to a unitary school system even if very little meaningful integration has been accomplished, and even if the process includes, for example, the closing of modern black schools or the firing of qualified black faculty members and creates a climate of bitterness which can damage the education of children for a generation. School systems frequently strive desperately for the least short-term change possible, without any real concern for the long range effect this strategy will have on the education of the children—black, brown, and white—in their care.

In the North all of us—the executive branch, the Congress, local school officials and the community at large—have hidden behind the legalism of so-called de facto segregation, justifying inaction

on the ground that the segregation of our schools just happened and ignoring its obvious effect on our children and their educations.

And throughout the Nation we have largely ignored discrimination against Mexican-American, Indian, and Puerto Rican and other minority children and paid far too little attention to their special educational needs.

It is time for this Nation and this Congress to face the urgent needs of our Nation's single most important resource—our children. It is time for us to begin to solve the problem of racial separation in our public schools in a sensitive, humane, and intelligent way, with an understanding of the complex educational issues involved, with reference to those hopeful strategies which have been developed over the past few years, and with the objective of better education for all our children firmly in mind.

Last spring, President Nixon proposed the expenditure of \$1.5 billion to assist the process of desegregation in the South and to encourage some movement toward reducing the number of children in racially isolated schools in the North. I support and applaud the President's initiative.

However, the legislation which accompanied his request was so vaguely drawn that I and many of my colleagues feared that little real change would result. We saw the danger that funds would be doled out as payment for adoption of a desegregation plan, regardless of its quality, in de jure segregated school districts, and as payment for the most token efforts in so-called de facto districts, so that after 2 years we would have learned little and made less progress toward solving the problems which confront us. A recent New York Times editorial entitled "Benign Deceit in Desegregation" underscored this conclusion. I ask unanimous consent that it be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. MONDALE. We have had a rare opportunity to preview the proposed program in action. Last August, the Congress enacted over the President's veto an Education Appropriation Act which included an emergency appropriation of \$75 million to implement, in limited form, the program proposed in the President's message. Amendments attached in the Senate were designed to prevent the most flagrant abuses. Additional safeguards, required under title VI of the Civil Rights Act of 1964, were incorporated in HEW regulations. These provisions prohibit assistance to local educational agencies which gave public support to racially segregated private academies. They prohibit assistance to local educational agencies which fire or demote black faculty members. They prohibit reduction of local per pupil expenditures as the result of desegregation.

And yet, the administration of this program has borne out our worst fears. Last November six civil rights groups—American Friends Service Committee, Delta Ministry of the National Council

of Churches, Lawyers Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Education Fund, Inc., and the Washington Research Project—issued a carefully documented report which demonstrates widespread abuse of these provisions and the failure of HEW to act to correct noncompliance.

Of the 295 local educational agencies visited by the six civil rights groups, 179 were found to be in clear violation of the statutes and regulations. In 87 others, the six groups found evidence of violations. Federal funds intended to support integrated education are instead often supporting segregated classrooms; segregated transportation systems; segregated faculties and staffs; dismissal and demotion of qualified black teachers, principals and coaches; and donation of property and services to private segregated schools. These Federal funds are often supporting school districts which refuse to comply with plans for student assignment submitted to HEW or ordered by Federal courts.

In addition, and perhaps more important, review of project applications by the six civil rights groups and by members of my staff demonstrate that HEW has made no concerted effort to support or encourage development of affirmative programs in quality integrated education. Rather, HEW has expended these funds as general aid, on the basis of applications which lack specificity, for projects which are often unrelated to the process of school desegregation.

In view of the performance of HEW under the emergency appropriation, the need for a program carefully designed by the Congress is clear.

During the last legislative session, the Education Subcommittee, under the able leadership of the Senator from Rhode Island, conducted extensive hearings on the measure proposed by the President. The Select Committee on Equal Educational Opportunity spent 9 months in an intensive examination of the general problem. The work of these two committees resulted in the preparation of a bill which incorporates a nationwide program to support the voluntary establishment of carefully defined, stable, quality integrated schools.

We believe that this program, if it is carefully administered by the administration and by school districts throughout the country, will provide fair and long overdue demonstration of the benefits of quality integrated education—pursued rationally as an educational objective—and will immeasurably increase our knowledge of the best means to provide equality of educational opportunity.

Mr. President, the foundation of the Quality Integrated Education Act of 1971 is the concept of the stable, quality integrated school. Over 60 percent of the funds authorized under the act would be reserved for the establishment of such schools—over 40 percent for establishment of integrated schools by individual school districts, 10 percent for inter-district cooperation, and 10 percent for the construction of several model integrated education parks.

In defining the integrated school we have relied heavily on the massive study "Equality of Educational Opportunity"—the Coleman report—prepared under the direction of Dr. James S. Coleman for the Office of Education in 1966, and on recent testimony by Dr. Coleman, Dr. Thomas Pettigrew of Harvard University, and others before the Select Committee on Equal Educational Opportunity. These authorities agree that children learn more from each other than from any other single educational resource; that interaction with children from educationally advantaged backgrounds has an even greater impact on the development of learning skills than the quality of the teaching staff or the quality of the physical facility; and that the presence of children from educationally advantaged backgrounds is perhaps the most important element in successful integration.

As Dr. Pettigrew testified:

One of the essential components of equal educational opportunity for the United States is racial and social class integration of our Nation's public schools. The relevant social science research, in my opinion, forces this conclusion upon us.

In testimony before the select committee, Dr. Coleman made the same point:

There is, however, another set of resources in the school which is not measured by educators' school quality measures. This is the educational resources brought to the school by other children, as a result of their home influences and earlier school influences.

These resources are things like reading material in the home, the amount and level of discussion in the home, the parents' level of education, the parents' interest in the child's education.

When these educational resources are related to a child's school performance—that is, the educational resources brought to the school by other children at school—the result showed a stronger relation than for any other resource in the school.

In effect, it means that if a child is going to school with other children who are performing at a high level, he, himself, will do better than if he was going to school with other children who are performing at a low level.

What appears to happen is that the educational resources held by other children are more important in increasing a child's own achievement than those that are allocated by the school board.

It is interesting to note that this position was supported by President Nixon in his March 24, 1970, message on school desegregation.

The President said:

From an educational standpoint, to approach school questions solely in terms of race is to go far astray . . .

The data strongly suggests, also, that in order for the positive benefits of integration to be achieved the school must have a majority of children from environments that encourage learning—recognizing, again, that the key factor is not race but the kind of home that the child comes from.

In recognition of this evidence, the bill we are introducing today specifies that an integrated school must contain a substantial proportion of children from educationally advantaged backgrounds. Despite the President's statement, the administration's desegregation bill fails

to require or even mention this concept as an element in programs to be funded.

A second basic element of the integrated schools' approach is real integration. Schools which receive funding would be substantially representative of the minority group and nonminority group student population of the local educational agency in which they are located. This provision assures that funds will not be used to support token integration, but instead will support the kind of integration which if successful can be replicated throughout a school district. In addition, it assures that minority and nonminority children will participate in the program on an equitable basis. The bill contains similar definitions of representativeness for the faculty of an integrated school.

A third important element is the requirement that schools receiving funds under the act be stable. We believe that funds for hopeful quality integration should be devoted to schools that in the judgment of the Commissioner will not be victims of resegregation.

A fourth element in our approach is the requirement that integrated schools contain a well-planned program for the provision of quality education in an integrated setting. School districts would receive funds to provide in-service teacher training, advanced teaching techniques, modern curricula designed to promote intercultural awareness teacher aides, special guidance and counseling services, and, where appropriate, programs of bilingual, bicultural education to assure educational excellence in integrated schools.

Over 40 percent of the funds authorized would be reserved for the establishment of stable, quality integrated schools by individual local educational agencies. Many American schoolchildren, however, presently attend school districts in which the proportion of minority group children is so great that the immediate prospect for stable integration within the confines of a single district are dim. Therefore, 20 percent of the funds authorized would be reserved for programs of interdistrict cooperation and the establishment of education parks.

Ten percent of the funds authorized would be invested in voluntary programs of urban-suburban cooperation along the lines suggested by Senator RUBINOFF, to establish integrated schools containing a substantial proportion of children from educationally advantaged backgrounds and at least half the proportion of minority group students found in the metropolitan area as a whole. As Professor Pettigrew testified before the Select Committee:

A metropolitan perspective is essential. Pessimists often regard the racial integration of schools as impossible because of the growing concentration of black Americans in central cities.

But as soon as we adopt a metropolitan perspective the dimensions of the problem are abruptly altered. Black Americans constitute only 11% of our national population and only about 14% of our metropolitan population.

An additional 10 percent of the funds authorized would be invested in the establishment of several demonstration

educational parks. An education park would be an integrated school, located in a metropolitan area, serving students from preschool through grades 12. It would consist of high schools, junior high schools, and elementary schools located on a single campus under unified direction.

Education parks would be stable, quality integrated schools, with student bodies containing substantial proportions of children from educationally advantaged backgrounds which are representative of the minority group and nonminority group student population of the metropolitan area. They would lower capital costs by as much as 15 or 20 percent. They would permit wider course offerings and lend themselves to the incorporation of modern teaching techniques such as individualized instruction. They would facilitate cooperation with private schools and with colleges and universities.

Many experts, including Dr. Pettigrew, and the Commissioner of Education, Mr. Marland, believe that education parks are among the most encouraging strategies for the long term improvement of urban education, yet it is clear that without Federal support, local school districts are unable to experiment with this promising concept.

The bill we are introducing today reflects an initiative of Senator JAVITS which sets aside between 10 and 15 percent of the funds for experimental pilot programs designed to improve the academic achievement of children in minority group isolated schools, in school districts where integration appears difficult in the short term. We hope that these programs will result in the development of new strategies to improve the education of children in these school districts.

Five percent of the funds would be invested in integrated educational television on the Sesame Street model. A recent report by the Educational Testing Service indicated that such programs can play an important part in the development of crucial academic and social skills for children from all racial and economic backgrounds. Sesame Street itself proved highly successful with children ages 3 to 5. We hope to see additional programs for preschool children and similar programs to serve older children with appropriate emphasis on nonblack minority groups. As the Educational Testing Service evaluation states:

In general, *Sesame Street* achieved its goals. They were important goals. Since this experimental television program for preschoolers was so successful, it would be a travesty of responsible educational policy making were not more, similarly-conceived television programs funded, developed, researched, and presented.

Six percent of the funds authorized would be reserved for funding of private nonprofit organizations, including parent and community groups, for projects designed to promote equal educational opportunity by encouraging the participation of children, students, and teachers in the education process and improving communications between the school and the community.

Three percent of the funds would be reserved to reimburse the cost of successful suits by parents and teachers to enforce the terms of the act, related education legislation and the constitutional guarantees of the 14th amendment and title VI of the Civil Rights Act of 1964. By opening up the resources of the private bar, this provision would provide injured citizens with some guarantee against the abuses which have occurred under the emergency appropriation. The provision would encourage a nationwide effort to protect the Constitutional rights of minority group children to freedom from discrimination in public education with appropriate emphasis on cases of discrimination against all minorities.

Ten percent of the funds would be reserved to the Commissioner of Education for allocation among the otherwise authorized activities.

To insure equitable distribution of funds, over 60 percent of the funds appropriated would be apportioned for grants within each State on the basis of the ratio that the number of minority group public schoolchildren in each State bears to the total number of minority group public schoolchildren in the remainder—the funds reserved for education, parks, interdistrict cooperation, attorneys' fees, and integrated educational television together with the 10 percent reserved to the Commissioner for allocation among the activities authorized in the bill—would be allocated to the Commissioner of Education to distribute on the basis of the quality of applications.

The bill contains safeguards against discriminatory practices, modeled upon those added in the Senate to the emergency \$75 million appropriation and those adopted by HEW regulation. These safeguards prohibit funding of local educational agencies which, since enactment of the emergency appropriation last fall, have engaged in the following practices: aid to private segregation academies operating as alternatives for white students fleeing desegregated public schools; discrimination against minority group teachers or other minority group personnel; segregation of children within schools for a substantial portion of the school day in conjunction with desegregation or the establishment of an integrated school; limiting participation of minority group children in extracurricular activities, or limiting extracurricular activities, in order to avoid the participation of minority group children; or other discrimination on the basis of race, color, or national origin.

Local educational agencies may receive a waiver for violations committed prior to the enactment of this act, if the Commissioner of Education is satisfied that the abuses have been corrected and will not recur. However, local educational agencies which violated these provisions while receiving funds under the \$75 million Emergency School Assistance program must submit applications of special merit. The appropriate committees of the Senate and House must be given notice of intention to grant waiver.

The administration's performance under the \$75 million emergency appropriation gives us little confidence that these safeguards will be applied in practice. But their application is crucial. The value of integrated education to the children involved is lost if discrimination continues to be practiced within a so-called integrated school. When a qualified black teacher is fired because of his race, or Chicano students are placed in segregated classrooms, the message is not lost on the students or on the community at large.

In addition to these provisions which are designed to prevent funding of local educational agencies which continue to engage in the most blatant forms of discrimination, the bill contains provisions designed to insure that programs under the act are understood by the community at large and that parents, teachers, and students are given a voice in program development and implementation. Since the establishment of integrated schools is by definition a program of human relations as well as education, these provisions are vitally important.

Therefore, the application and other pertinent documents must be made readily available to the public by the local educational agencies and by the Commissioner of Education. Applications must be developed through a process of open hearings and with the full participation of a committee of parents, teachers, and, where applicable, secondary school students, of which at least half the members are parents and at least half the members are from minority groups. Applications which do not receive the support of the committee must be forwarded to the Commissioner with the comments of the committee appended and may be approved by the Commissioner of Education only upon his finding that the local educational agency had good cause to proceed without committee approval.

Unless we are prepared to seriously consult parents, teachers, and students in the development and implementation of programs under this act, we cannot expect them to be successful.

Finally, the bill would establish a National Advisory Council on Equality of Educational Opportunity, consisting of 15 members, of whom at least half must be members of minority groups, to evaluate and report to the Congress on the operation of the program by December 1, 1973. This report should provide the Congress with an assessment of the program and its implementation and a basis for its revision and expansion.

Mr. President, we still have an opportunity to demonstrate our commitment to quality integrated education, but this opportunity will not last forever. Black, Chicano, Puerto Rican, and Indian parents know that we have not genuinely tried to practice what we so easily preach. Misuse of the initial \$75 million emergency appropriation cannot have reassured them. It is not surprising that many minority parents—and white parents as well—who for years have hoped and worked for integrated education are now seeking other approaches to educational quality.

We must demonstrate to these parents, and especially to the parents of the South, black and white, that our concern for school integration is based upon a deep commitment to education of high quality which is beneficial to all children. We must recapture the concern for children and their education with which we began in 1954. If we do not, integrated education will be held a failure without an honest trial.

The bill we introduce today is not a complete answer to the problem of segregation in our public schools. Any comprehensive solution will require a far greater investment than the \$1.5 billion which the administration has promised to spend over the next 2 years, and must be part of a broad commitment to the reunification of American society—a commitment to give middle-class working Americans the opportunity for decent housing and a decent way of life in central cities, a commitment to open housing and employment in the suburbs to those who are less affluent or who are members of minority groups.

But the bill we introduce today does provide a sensitive and realistic beginning. It does, in our judgment, insure that quality, stable integrated schools—with educationally advantaged students, community involvement and support, sensitive curricula, and other positive elements—will be established and evaluated in hundreds of school districts throughout the Nation. It does insure that promising proposals for metropolitan integration—education parks, urban-suburban cooperative efforts—will be tried and evaluated. It does insure, if properly administered, that at the end of 2 years the kind of integration proposals that research suggests are most encouraging will have been attempted in numerous communities across the country.

It is our hope and our belief that the program which we propose will demonstrate the advantages of quality integrated education to American parents, and will greatly expand our knowledge of the best ways to achieve integrated education.

I ask unanimous consent that the bill, a summary, and a section-by-section analysis of it be printed in the RECORD.

The PRESIDING OFFICER (Mr. CHILES). The bill will be received and appropriately referred; and, without objection, the bill, the summary, and the section-by-section analysis will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 683) to provide financial assistance for the establishment and maintenance of stable, quality, integrated education in elementary and secondary schools to assist school districts to overcome the adverse educational effects of minority group isolation, and for other purposes; introduced by Mr. MONDALE, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 683

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 "Quality Integrated Education Act of 1971".

## FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that the segregation of schoolchildren by race, color, or national origin, whatever its cause or origin, is detrimental to all children and deprives them of equality of educational opportunity; that conditions of such segregation exist throughout the Nation, and, as a result, substantial numbers of children are suffering educational deprivation; and that the process of establishing and maintaining stable, quality, integrated schools improves the quality of education for all children and often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) It is the purpose of this Act (1) to provide financial assistance to encourage the establishment and maintenance of stable, quality, integrated schools throughout the Nation, serving students from all backgrounds, which derive full advantage from the enriched educational opportunities provided by the education of children from diverse backgrounds in an environment sensitive to the potential contribution of each child to the education of all, through the utilization of modern educational methods, practices, and techniques, including, where appropriate, programs of integrated bilingual, bicultural education, and (2) to aid schoolchildren to overcome the educational disadvantages of minority group isolation.

## APPROPRIATIONS

SEC. 3. (a) The Commissioner, shall, in accordance with the provisions of this Act, carry out a program designed to achieve the purposes set forth in section 2(b). There are authorized to be appropriated to the Commissioner, for the purpose of carrying out this Act, \$500,000,000 for the period beginning with the enactment of this Act and ending June 30, 1972, and \$1,000,000,000 for the fiscal year ending June 30, 1973. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated, except that funds reserved under paragraph (1) of subsection (b) shall remain available until expended. Funds so appropriated shall be available for grants and contracts under this Act only to the extent that the sums appropriated to the Office of Education for any fiscal year exceed the sums appropriated to the Office of Education for the next preceding fiscal year, except that sums appropriated pursuant to this Act shall not be considered in determining the sums appropriated to the Office of Education for any such next preceding fiscal year.

(b) (1) From the sums appropriated pursuant to subsection (a), the Commissioner shall reserve—

(A) not less than 10 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 8;

(B) not less than 5 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 10;

(C) not less than 3 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 11.

(2) If the total amount of the sums appropriated pursuant to subsection (a) for any fiscal year does not constitute at least four times the aggregate of the amounts specified for reservation pursuant to paragraph (1) for that fiscal year, each of the amounts so specified for that fiscal year shall be ratably re-

duced until the aggregate of the amounts reserved under paragraph (1) does not exceed one-fourth of an amount equal to the sums so appropriated.

(3) Of the sums appropriated pursuant to subsection (a), the Commissioner is authorized to reserve an amount, not in excess of an amount equal to 10 per centum of such sums, for the purposes of section 7(a).

(4) Of the sums appropriated pursuant to subsection (a), the Commissioner shall reserve 10 per centum for grants by him to local educational agencies making applications under sections 5(a)(2).

## APPORTIONMENT AMONG STATES

SEC. 4. (a) (1) From the sums appropriated pursuant to section 3(a) which are not reserved under section 3(b) for any fiscal year, the Commissioner shall apportion to each State for grants within that State an amount which bears the same ratio to such sums as the number of minority group children enrolled in public schools in that State bears to the number of such children in all the States, except that the amount apportioned to any State shall not be less than \$100,000.

(2) Of the amount apportioned to each State under paragraph (1), the Commissioner shall reserve not less than one-sixth but not more than one-fourth for grants to local educational agencies in that State pursuant to section 5(b).

(3) Of the amount apportioned to each State under paragraph (1) the Commissioner shall reserve not less than 10 per centum for grants in that State pursuant to section 7(b).

(b) The amount of any State's apportionment under subsection (a) which exceeds the amount which the Commissioner determines, in accordance with criteria established by regulation, will be required during the period for which the apportionment is available for programs and projects within such State, shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix by regulation, to other States in proportion to the original apportionments to such States under subsection (a). If the Commissioner determines, in accordance with criteria established by regulation, that the amount which would be reapportioned to a State under the first sentence of this subsection exceeds the amount which will be required during the period of the apportionment for programs and projects within such State, the amount of such State's reapportionment shall be reduced to the extent of such excess, and the total amount of any reductions pursuant to this sentence shall be available for reapportionment under the first sentence of this subsection. Any amount reapportioned to a State under this subsection during the period of any apportionment shall be deemed a part of its apportionment for that period; and any amount reserved pursuant to paragraph (2) of subsection (a) and reapportioned under this subsection shall be used solely for the purposes for which it was originally reserved.

## ELIGIBILITY FOR ASSISTANCE

SEC. 5. (a) (1) The Commissioner is authorized to make a grant to, or a contract with, a local educational agency only if, in accordance with criteria established by regulation, he determines—

(A) that the local educational agency has adopted a plan for the establishment or maintenance of one or more stable, quality, integrated schools; and

(B) that the number of minority group children in attendance at the schools of such agency is (1) at least one thousand and at least 20 per centum of the number of all children in attendance at such schools, or (1) at least three thousand and at least 10 per centum of the number of all children in attendance at such schools.

(2) Notwithstanding the provisions of clause (B) of paragraph (1), the Commissioner is authorized to make grants, in accordance with special eligibility criteria established by regulation for the purposes of this paragraph, to a local educational agency which does not meet the requirements of such clause (B), where such local educational agency is located within, or adjacent to, a Standard Metropolitan Statistical Area and makes joint arrangements with an additional local educational agency, located within the Standard Metropolitan Statistical Area and containing a substantial proportion of minority group students, for the establishment and maintenance of one or more stable, quality integrated schools. For the purposes of this subsection, an integrated school shall be a school with a student body containing a substantial proportion of children from educationally advantaged backgrounds in which the proportions of minority group students are at least 50 per centum of the proportions of minority group students enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and a faculty and administrative staff with substantial representation of minority group persons.

(b) The Commissioner is authorized to make grants to, or contracts with, local educational agencies for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if he determines that the local educational agency had a number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, (1) of at least 15,000, or (2) constituting more than 50 per centum of such average daily membership of all children in such schools.

(c) No local educational agency making application under this section shall be eligible to receive a grant or contract in an amount in excess of the amount determined by the Commissioner, in accordance with regulations setting forth criteria established for such purpose, to be the additional cost to the applicant arising out of activities authorized under this Act, above that of the activities normally carried out by the local educational agency.

(d) (1) No local educational agency shall be eligible for assistance under this Act if it has, after August 18, 1970—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (1) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results (or has resulted) in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the establishment of an integrated school, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the establishment of an integrated school, adopted any procedure for the assignment of students to or within classes which results in segregation of children for a substantial portion of the school day; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group students in such activities, which discriminate among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(2) (A) No local educational agency shall be eligible for a waiver under paragraph (1) if—

(1) it is ineligible by reason of clause (A), (B), (C), or (D) of paragraph (1) because of transactions, practices, policies, or procedures which existed or occurred after August 18, 1970; and

(II) it has received assistance under the appropriation in the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380).

(B) (i) In the case of any local educational agency which is ineligible for assistance under this Act by reason of subparagraph (A), such agency may make a special application for a waiver of its ineligibility, which application shall include (I) all the specifications, procedures, assurances, and other information required for a waiver under the exception set forth in paragraph (1), and (II) in addition, such other data, plans, assurances, and information as the Secretary shall require in order to insure compliance with this subparagraph (B).

(ii) The additional matters required by the Secretary under clause (II) of subparagraph (B) (1) shall at least include sufficient information as to enable the Commissioner to properly evaluate the application submitted under section 9 by the applicant for a special waiver under this subparagraph (B) and advise the Secretary with respect to the merit of the program for which assistance is sought.

(3) Applications for waivers under paragraphs (1) and (2) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

(4) No application for assistance under this Act shall be approved prior to a determination by the Commissioner that the applicant is not ineligible by reason of this subsection. No waiver under paragraph (2) shall be granted until the Commissioner has determined that the special applicant has submitted an application under section 9 of extraordinary merit.

(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

(6) All determinations and waivers pursuant to this subsection shall be in writing. The Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives shall each be given notice of an intention to grant any waiver under this subsection, which notice shall be accompanied by a copy of the proposed waiver for which notice is given and copies of all determinations relating to such waiver. The Commissioner shall not approve an application by a local educational agency which requires a waiver

under this subsection prior to thirty days after receipt of the notice required by the preceding sentence by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

#### AUTHORIZED ACTIVITIES

Sec. 6. (a) Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) and the sums reserved pursuant to section 3(b)(4) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5(a), to assist such agencies in carrying out the following programs and projects designed to establish or maintain stable, quality, integrated schools, as necessary and appropriate to carry out the purposes of this Act:

(1) the development and use of new curricula and instructional methods, practices, and techniques to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups;

(2) remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student-to-student tutoring;

(3) guidance and counseling services, beyond those provided under the regular school program conducted by the local educational agency, designed to promote mutual understanding among minority group and non-minority group parents, students, and teachers;

(4) administrative and auxiliary services to facilitate the success of the project;

(5) community activities, including public information efforts, in support of a plan, program, project, or other activities described in this section;

(6) recruiting, hiring, and training of teacher aides: *Provided*, That in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under section 5(a);

(7) inservice teacher training designed to enhance the success of schools assisted under section 5(a) through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Commissioner to have special competence for such purpose;

(8) planning programs and projects under this section, the evaluation of such programs and projects, and dissemination of information with respect to such programs and projects; and

(9) repair of minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities.

In the case of programs and projects involving activities described in clause (9), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a program or project involving other activities described in this section or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program or project. The Commission shall promulgate regulations defining the term "repair or minor remodeling or alteration".

(b) Sums reserved under section 4(a)(2) shall be available for grants to, and contracts with, local educational agencies eligible for assistance under section 5(b) to carry out innovative pilot programs and projects which are specifically designed to assist in over-

coming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including the activities described in clauses (1) through (9) of subsection (a), as they may be used to accomplish such purpose.

#### SPECIAL PROGRAMS AND PROJECTS

Sec. 7. (a) (1) Amounts reserved by the Commissioner pursuant to section 3(b)(3) shall be available to him for grants and contracts under this subsection.

(2) The Commissioner is authorized to make grants to, and contracts with, State and local educational agencies, and other public and private nonprofit agencies and organizations (or a combination of such agencies and organizations) for the purpose of supporting special programs and projects carrying out activities described in section 6, which the Commissioner determines will make substantial progress toward achieving the purposes of this Act.

(b) From the amounts reserved pursuant to section 4(a)(3), the Commissioner is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations (other than local educational agencies and nonpublic elementary and secondary schools) for programs and projects to promote equality of educational opportunity, through facilitating the participation of parents, students, and teachers in the design and implementation of comprehensive educational planning; the provision of services which will enable parents to become effective participants in the educational process; the conduct of activities which foster understanding among minority group and nonminority group parents, students, teachers, and school officials, including public information and school-community relations activities; and the conduct of school-related activities to reinforce student growth and achievement.

#### EDUCATION PARKS

Sec. 8. From the sums reserved pursuant to section 3(b)(1)(A), the Commissioner is authorized to make grants to State and local educational agencies to assist in the construction of education parks in Standard Metropolitan Statistical Areas. For the purposes of this section, the term "education park" means an integrated school or cluster of such schools located on a common site, within a Standard Metropolitan Statistical Area, of sufficient size to achieve maximum economy of scale consistent with sound educational practice, providing the full range of preschool, elementary, and secondary education, with a student body containing a substantial proportion of children from educationally advantaged backgrounds, which is representative of the minority group and nonminority group student population of the Standard Metropolitan Statistical Area, and a faculty and administrative staff with substantial representation of minority group persons.

#### APPLICATIONS

Sec. 9. (a) Any local educational agency desiring to receive assistance under this Act shall submit to the Commissioner an application therefor at such time, in such form, and containing such information as the Commissioner shall require by regulation. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner. The Commissioner may approve an application if he determines that such application—

(1) sets forth a plan, and such policies and procedures, as will assure that (A) in the case of an application under section 5(a), the applicant will initiate or continue a program specifically designed to establish or maintain at least one or more stable, quality, integrated schools, or (B) in the case of an ap-

plication under section 5(b), the applicant will initiate or expand an innovative program specifically designed to meet the educational needs of children attending one or more minority group isolated schools;

(2) has been developed—

(A) in open consultation with parents, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(B) with the participation and, subject to subsection (b), approval of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents, and at least half shall be persons from minority groups;

(3) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B);

(4) sets forth such policies and procedures, and contains such information, as will insure that funds paid to the applicant under the application be used solely to pay the additional cost to the applicant in carrying out the plan and program described in the application;

(5) contains such assurances and other information as will insure that the program for which assistance is sought will be administered by the applicant, and that any funds derived by the applicant, and any property derived therefrom, will remain under the administration and control of the applicant;

(6) sets forth such policies and procedures, and contains such information, as will insure that funds made available to the applicant (A) under this Act will be so used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children participating in such program, and (ii) in no case, as to supplant such funds from non-Federal sources, and (B) under any other law of the United States will, in accordance with standards established by regulation, be used in coordination with such programs to the extent consistent with such other law;

(7) in the case of an application for assistance under section 5(b), that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Commissioner, of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved and that funds under this Act will not be dispersed in such a way as to undermine their effectiveness;

(8) in the case of an application by a local educational agency, that the State educational agency governing the school district or school districts in which the approved program or project will be carried out has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Commissioner;

(9) sets forth effective procedures, including provisions for objective measurement of change in educational achievement and other change to be effected by programs conducted under this Act, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the

community served, and their structure and mechanisms for the delivery of services; and

(10) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Commissioner shall require by regulation, which regulation shall require at least—

(i) in the case of reports relating to performance, that the reports be consistent with specific criteria related to the program objectives, and

(ii) that the reports include information relating to educational achievement of children in the schools of the applicant, and (B) that the applicant will keep such records and afford such access thereto as—

(i) will be necessary to assure the correctness of such reports and to verify them, and

(ii) will be necessary to assure the public adequate access to such reports and other written materials.

(b) In the event the committee established pursuant to clause (2)(B) of subsection (a) does not, after a reasonable opportunity to do so, approve an application under this section, the local educational agency may submit the application for approval by the Commissioner. The committee may, upon written notification to the local educational agency and the Commissioner, seek a review of the reasons for failure to obtain approval. Upon receipt of any such notice, a local educational agency shall promptly file with the Commissioner a statement of the issues in question, the reason for submission of the application without such approval, and its grounds for desiring approval of the application by the Commissioner as submitted, and shall attach thereto a statement of the reasons of the committee respecting its failure to approve the application. Upon receipt of a notice filed under the second sentence of this subsection, the Commissioner shall take no action with respect to approval of the application in question until he has reviewed the matters submitted to him by the local educational agency and any matters submitted to him by the committee and, when he determines it to be appropriate, has granted an opportunity for an informal hearing. Within thirty days after the Commissioner has received the matters required to be submitted under the third sentence of this subsection, he shall make a finding as to whether the local educational agency was justified in submitting the application without approval, as required under clause (2)(B) of subsection (a). Upon his finding of justification, the Commissioner may proceed with respect to the approval of the application. Such finding, and the reasons therefor, shall be in writing and shall be made available to the local educational agency and the committee.

(c) (1) The Commissioner shall, from time to time, set dates by which applications for grants under this Act shall be filed and may prescribe an order of priority to be followed in approving such applications.

(2) In determining whether to make a grant or contract under section 5 or in fixing the amount thereof, the Commissioner shall give priority to—

(A) in case applications submitted under section 5(a), applications from local educational agencies which place the largest numbers and proportions of minority group students in stable, quality, integrated schools; and

(B) applications which offer the greatest promise of providing quality education for all participating children.

#### EDUCATIONAL TELEVISION

SEC. 10. (a) The sums reserved pursuant to section 3(b) (1) (B) for the purpose of carrying out this section shall be available for grants and contracts in accordance with subsection (b).

(b) (1) The Commissioner shall carry out a program of making grants to, or contracts with, not more than ten public or private nonprofit agencies, institutions, or organizations with the capability of providing expertise in the development of television programming, in sufficient number to assure diversity, to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value.

(2) Television programs developed in whole or in part with assistance provided under this Act shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship.

(3) The Commissioner may approve an application under this section only if he determines that the applicant—

(A) will employ members of minority groups in responsible positions in development, production, and administrative staffs;

(B) will utilize modern television techniques of research and production; and

(C) has adopted effective procedures for evaluating education and other change achieved by children viewing the program.

#### ATTORNEYS' FEES

SEC. 11. (a) Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the Department of Health, Education, and Welfare for failure to comply with any provision of this Act, title I of the Elementary and Secondary Education Act of 1965 or discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or of the fourteenth article of amendment to the Constitution of the United States as they pertain to elementary and secondary education, such court shall award, from funds reserved pursuant to section 3(b)

(1) (C), reasonable counsel fee, and costs not otherwise reimbursed, for services rendered, and costs incurred, after the date of enactment of this Act to the party obtaining such order.

(b) The Commissioner shall transfer all funds reserved pursuant to section 3(b) (1) (C) to the Administrative Office of the United States Courts for the purpose of making payments of fees awarded pursuant to subsection (a).

#### DEFINITIONS

SEC. 12. Except as otherwise specified, the following definitions shall apply to the terms used in this Act:

(1) The term "Commissioner" means the Commissioner of Education; and the term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(3) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(4) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which

is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(5) The term "integrated school" means a school with a student body, containing a substantial proportion of children from educationally advantaged backgrounds, which is substantially representative of the minority group and non-minority group students population of the local educational agency in which it is located, and a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or where the Commissioner determines that the local educational agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(6) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(7) (A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental; and (ii) (except for the purposes of section 4), as determined by the Secretary, children who are from environments where the dominant language is other than English and who, as a result of limited English-speaking ability, are educationally deprived, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(8) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 66% per centum of the average daily membership of a school.

(9) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(10) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(11) The term "Standard Metropolitan Statistical Area" means that area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(12) The term "State" means one of the fifty States or the District of Columbia.

(13) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

#### EVALUATIONS

SEC. 13. The Commissioner is authorized to reserve not in excess of 1 per centum of the sums appropriated under this Act for any fiscal year for the purposes of this section. From such reservation, the Commissioner is authorized to make grants to, and contracts with, institutions of higher education and private organizations, institutions, and agencies, including councils established pursuant to section 9(a)(2), for the purpose of evaluating specific programs and projects assisted under this Act.

#### REPORTS

SEC. 14. The Commissioner shall make periodic detailed reports concerning his activities in connection with the program authorized by this Act and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380), and the effectiveness of programs and projects assisted under this Act in achieving the purposes of this Act. Such reports shall contain such information as may be necessary to permit adequate evaluation of the programs authorized by this Act, and shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this Act. Subsequent reports shall be submitted no less often than four times annually.

#### JOINT FUNDING

SEC. 15. Pursuant to regulations prescribed by the President, where funds are advanced by the Office of Education, and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one of such Federal agencies may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose. Nothing in this section shall be construed to authorize (1) the use of any funds appropriated under this Act for any purpose not authorized herein, (2) a variance of any reservation or apportionment under section 3 or 4, or (3) waiver of any requirement set forth in sections 5, 6, 9, and 12(5).

#### NATIONAL ADVISORY COUNCIL

SEC. 16. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representatives of minority groups, appointed by the President, which shall—

(1) advise the Secretary with respect to the operation of the program authorized by this Act, including the preparation of regulations and the development of criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving its purposes as stated in section 2, and (B) with respect to the Commissioner's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized, and submit through the Secretary, to the Congress at least two interim re-

ports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

(b) The Commissioner shall submit an estimate under the authority of section 401 (c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

The summary, presented by Mr. MONDALE, is as follows:

#### SUMMARY OF QUALITY INTEGRATED EDUCATION ACT

1. Authorizes \$1.5 billion over the next two years for the following purposes:

40 to 45% of the funds for creating and maintaining *stable, quality integrated schools* that contain substantial proportions of children from educationally advantaged backgrounds and are representative of the minority group and non-minority group student population of the school districts in which they are located. These schools are designed to be hopeful, promising, non-token demonstrations of quality integrated education that could be duplicated throughout the school districts.

10 to 15% of the funds for promising *pilot programs in racially or ethnically isolated schools* in districts with over 50% minority students or 15,000 minority students.

10% of the funds for *education parks* in metropolitan areas containing substantial proportions of children from educationally advantaged backgrounds, and student bodies that are representative of the minority group and non-minority group student body of the metropolitan area.

10% of the funds for *interdistrict cooperation*. Urban-suburban cooperative efforts producing schools containing children from educationally advantaged backgrounds and a proportion of minority group students equal to one-half the proportion of minority group students in the standard metropolitan statistical area would be eligible for funding.

10% of funds for the *Commissioner* to allocate as he sees fit among the various activities authorized in the Act.

6% of the funds for funding *private nonprofit groups* to promote equal educational opportunity by encouraging the participation of parents, students and teachers in the education process.

5% of the funds for *integrated children's education television programs* similar to Sesame Street.

3% of the funds are reserved for reimbursement of attorneys' fees in successful desegregation and education lawsuits protecting rights under this Act, Title VI of the Civil Rights Act, 14th Amendment, and Title I of ESEA.

1% of the funds are reserved for evaluation.

#### 2. Other Provisions:

*Safeguards* prohibiting aid to school districts aiding private segregation academies, firing or demoting minority group teachers, tracking and segregating children within the school, limiting extra-curricular activities to avoid integration or engaging in other discriminatory actions.

*Public information and community participation* provisions requiring that all documents relative to the application must be made public and developed in open hearings with a participation of a *bi-racial committee* of parents, teachers and students.

Authorizes *bi-lingual, bi-cultural efforts* or projects specifically designed for Spanish-speaking or other ethnic minorities where appropriate.

Carefully defines and *limits to very spe-*

cific educational purposes the activities fundable under this Act (including a provision that not more than 10% of any grant can be for remodeling) unlike other bills that would fund practically any "other specifically designed programs or projects which met the purposes of this Act."

Encourages the establishment of quality integrated schools, nationwide, regardless of whether a legal requirement exists.

The analysis, presented by Mr. MONDALE, is as follows:

#### ANALYSIS OF QUALITY INTEGRATED EDUCATION ACT OF 1971

##### 1. Title

"Quality Integrated Education Act of 1971"

##### 2. Findings and Purpose

The bill contains findings that segregation of school children by race, color or national origin, regardless of its cause, is harmful to all children and deprives them of equality of educational opportunity, and that such segregation exists throughout the nation.

The bill states two purposes: (a) To provide financial assistance to encourage establishment and maintenance of stable, quality integrated schools, throughout the nation, which provide sensitive programs for the education of children from diverse backgrounds, and which utilize modern educational techniques including where appropriate, integrated bi-lingual, bi-cultural education; (b) To aid school children to overcome the educational disadvantages of minority group isolation.

##### 3. Appropriations

The bill authorized \$500 million for the period beginning with enactment and ending June 30, 1972, and \$1 billion for the following fiscal year.

Funds appropriated are to remain available for one fiscal year beyond the fiscal year for which they are appropriated, except that funds for attorneys, educational television and education parks remain available until expended.

Funds appropriated for any fiscal year are to be reduced to the extent that Office of Education expenditures for other programs during that year are reduced from the preceding year.

##### 4. Earmarks

###### a. Attorneys' Fees

Three percent of the funds authorized are earmarked to reimburse attorneys' fees and costs not otherwise reimbursed in successful lawsuits pertaining to elementary and secondary education under this Act, Title VI, the 14th Amendment and Title I of ESEA.

###### b. Children's Television

Five percent of the funds authorized are earmarked for integrated children's television programs. The bill authorizes grants to not more than ten private non-profit organizations. It provides that programs must be made available for transmission free of charge and shall not be transmitted under commercial sponsorship. The bill requires that members of minority groups be employed in responsible positions, that grantees utilize modern television techniques and adopt effective procedures for evaluation.

###### c. Education Parks

The bill earmarks 10% of the funds authorized for construction of education parks in standard metropolitan statistical areas. An education park must have student bodies of which a substantial proportion are children from educationally advantaged backgrounds and which are representative of the minority group and non-minority group population of the standard metropolitan statistical area in which they are located, and faculties and administrative staffs with substantial representation of minority group persons.

###### d. Inter-District Cooperation

The bill sets aside 10% of the funds for suburban school districts with low concentrations of minority group students to establish, through cooperation with urban school districts, integrated schools with student bodies of which a substantial proportion are children from educationally advantaged backgrounds and which contain a proportion of minority group students equal to one-half the proportion of minority group students in the standard metropolitan statistical area.

For example, in the Washington, D.C. SMSA, which is approximately 30% black and 70% white, Montgomery County could receive funding for establishing, in cooperation with the District, a stable quality integrated school containing a student body of which 15% are minority group students.

###### e. The Commissioner's 10%

Ten percent of the funds appropriated are reserved for the Commissioner to allocate as he sees fit among the various activities authorized in the Act.

###### f. Evaluation

One percent of the funds appropriated are reserved for evaluation.

###### 5. Apportionment to the States

The remainder of the funds (61%) will be apportioned among the States on the basis of the number of minority group children in each State, except that no State will receive less than \$100,000, for the following purposes:

###### a. Quality Integrated Schools

Approximately 70% of the funds allocated to the States (40-45% of the funds authorized under the Act) are allocated to fund quality integrated schools within school districts. These schools must be stable, contain a substantial proportion of children from educationally advantaged backgrounds, be substantially representative of minority group and non-minority group student population of the district and contain representative faculties.

Funds would be provided for the following activities in integrated schools:

- (1) New curricula and instructional methods to support a program of integrated instruction, including instruction in language and cultural heritage of minority groups;
- (2) Remedial services;
- (3) Guidance and counseling services designed to promote mutual understanding between minority group and non-minority group parents, students, and teachers;
- (4) Administrative and auxiliary services;
- (5) Community activities including public information efforts;
- (6) Recruiting, hiring and training teacher aides with preference given to parents;
- (7) In-service teacher training;
- (8) Planning, evaluation and dissemination of information;
- (9) Minor alteration and remodeling limited to 10% of a grant.

Districts are eligible for funding integrated schools which have 1,000 minority group students constituting 20% of the district's enrollment, or 3,000 minority group students constituting 10%. This limits funding under the integrated schools section to 1,010 districts (of approximately 18,000 in the Nation) containing 85% of the Nation's minority group students.

###### b. Racial and Ethnic Isolation

Of the funds allocated to each State, one-sixth to one-fourth (10-15% of the funds under the entire Act) are reserved for promising pilot programs in racially or ethnically isolated schools. Districts are eligible only if they contain over 50% minority students, or 15,000 minority group students. Within the eligible districts, only schools with student bodies containing at least two-thirds minority group students would be eligible for pilot programs.

###### c. Community Groups

Ten percent of the funds allocated to each state (approximately 6% of the total funds under the bill) are reserved for funding private non-profit groups for programs and projects to promote equality of educational opportunity through: encouraging the participation of parents, students and teachers in the design and implementation of educational planning; providing services which will enable parents to become effective participants in the education process; conducting school-related activities to reinforce student growth and achievement; or improving communications among the school, minority and non-minority parents, students and teachers.

###### 6. Safeguards

The bill prohibits funding districts which, since August 18, 1970, have engaged in the following practices:

- a. Aid to private segregated schools in violation of the standard adopted by the U.S. District Court in *Green vs. Kennedy*;
- b. Disproportionate demotion or dismissal of minority group teachers in conjunction with desegregation or the establishment of an integrated school;
- c. Segregation of children within classes for a substantial portion of the school day in conjunction with desegregation or the establishment of an integrated school;
- d. Limiting participation of minority group children in extracurricular activities, or limiting extra-curricular activities in order to avoid participation of minority group children, or other discrimination among children on the basis of race, color or national origin.

###### Waiver

Districts may receive a waiver for violations committed prior to enactment of this Act. However, districts which committed violations while funded under the \$75 million ESAP program must submit applications of special merit. The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor must be given notice of intention to grant waiver. No waiver may be granted until 30 days after receipt of the notice by the appropriate Chairmen.

###### 7. Community Participation

- a. All documents pertinent to the application must be made open to the public by HEW and the school district.
- b. Applications must be developed through a process of open hearings, and with the participation of a committee composed of parents, teachers and students of which at least half the members are parents and at least half the members are from minority groups.
- c. Applications would require approval by the committee, but absent approval, committee objections would be appended to the application and the Commissioner of Education would have 30 days to decide.

###### 8. Priorities

The bill requires that priority be given to school district applications which place the largest members and proportions of minority group children in integrated schools, and which show the greatest educational promise.

###### 9. National Advisory Council

The bill would establish a National Advisory Council on Equality of Educational Opportunity consisting of 15 members at least half of whom must be members of minority groups, which must report to the Congress on the operation of the program by December 1, 1973.

###### 10. Commissioner

The Subcommittee bill would place administration in the hands of the Commissioner with one exception: only the Secretary could grant waivers of the safeguard provisions.

Purpose	Percent of total funds	Approximate amount
<b>Reserved:</b>		
Commissioner's fund.....	10	\$150,000,000
Education parks.....	10	150,000,000
Inter-district cooperation.....	10	150,000,000
Educational TV.....	5	75,000,000
Attorneys' fees.....	3	45,000,000
Evaluation.....	1	15,000,000
<b>Total.....</b>	<b>39</b>	<b>585,000,000</b>
<b>Apportioned among the States:</b>		
Community groups.....	6	90,000,000
Pilot programs in racial isolation.....	10-15	-150,000,000 225,000,000
Integrated schools.....	40-45	-600,000,000 675,000,000
<b>Total.....</b>	<b>61</b>	<b>915,000,000</b>

## EXHIBIT 1

## BENIGN DECEIT IN DESEGREGATION

Last May, in the only constructive recommendation of an otherwise vague message on racial problems in the schools, President Nixon asked Congress for \$1.5 billion to speed desegregation. These funds were to help Southern school districts eliminate dual school systems and underwrite Northern efforts to attain better-integrated quality education in *de facto* segregated schools.

There have been recurring charges that an initially authorized emergency fund of \$75 million has been widely abused, either by being spent on unrelated purposes or, incredibly, on subsidizing schools which violated the letter or the spirit of the desegregation laws.

It is against this background that the failure of the 91st Congress to pass the \$1.5-billion measure must be viewed. Liberals in the Senate, already disturbed by the questions raised concerning the use of the interim funds, were further alarmed when the House submitted a measure so permissive that its original intent might come to be overlooked. Such misgivings were intensified by an amendment prohibiting the use of these funds for busing in the interest of integration. And so last-minute efforts to pass a revised measure failed.

The bill should be revived early in the new Congress, but with a clear acknowledgment of its purpose. As the legislation began to run into trouble in its first round there was a growing feeling, even among sincere opponents of segregation, that its flaws ought to be overlooked. Education is so desperately in need of aid, the argument ran, that all children, black and white, would benefit, even if the legislation did not specify in detail its real mission.

Though well-intentioned, this is a specious argument. The schools do, of course, need increased Federal subsidies; but the vehicle for such aid is the Elementary and Secondary Education Act. If Congress wants to propose additional subsidies, it can and should do so. But to appropriate funds intended to bring about speedier, more peaceful and educationally sound integration, without the proper assurance that the money will be spent for just such purposes, would be a policy of benign deceit.

A measure to implement President Nixon's original recommendation should be enacted without delay. But the effect of a costly desegregation bill that does not desegregate would be to give the Administration one more opportunity to take credit for good intentions, while secretly pleasing the segregationists.

Mr. JAVITS. Mr. President, the bill introduced by the Senator from Minnesota poses for us a very serious and very important problem, to which I hope many Senators will address themselves, as it must be solved very promptly.

Together with the deputy minority leader, the Senator from Michigan (Mr. GRIFFIN), I have introduced the administration's bill on the same subject. That bill is S. 195.

It will be recalled that the President recommended a program of \$1.5 billion, that \$75 million was voted last year, that sum has been spent or is in the process of being spent, and that there is no disagreement between many in Congress on the amount that is to be spent. The question is as to the means.

The Senator from Minnesota (Mr. MONDALE) heads a special committee, of which I am a member, to deal with this question of public school integration or desegregation, to answer the complaint that it should proceed effectively in the North as well as the South, and that it should be fixed on excellence in education, not just on desegregation in compliance with Supreme Court decisions.

There is also a legislative committee headed by the Senator from Rhode Island (Mr. PELL), of which I am also a member, as I am the ranking member of the main legislative committee, a committee to which Senator MONDALE also belongs, the Committee on Labor and Public Welfare. The bill that Senator MONDALE has introduced is essentially the bill agreed upon by the legislative subcommittee of which I am a member, and in which I joined last year. I am not a co-sponsor of this measure. The bill which I have introduced is similar to the bill passed by the House of Representatives, with the exclusion of an antibusing provision which the House of Representatives had included last year and some other modifications.

These are differing approaches. I believe that at this time, Mr. President, while I am very sympathetic with the MONDALE bill, I can best serve the purpose of getting a bill passed by being the main sponsor of the administration's bill and endeavoring to find a way out of the differences that face us.

The dilemma is not as complex as it sounds. The Mondale bill seeks to zero in on stable quality integrated schools. The administration bill seeks to zero in on the elimination or reduction of minority group isolation, essentially the racial concept. The administration bill gives practically all the money to that purpose. The Mondale bill gives about 40 to 45 percent to the purpose of a stable integrated school, which may be inapplicable in certain areas where the composition of a school district does not permit of that kind of application.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired, and the time for routine morning business has expired.

Mr. JAVITS. Mr. President, could I be recognized again, as no other Senator is seeking recognition, if the Senator from West Virginia would obtain an additional 3 minutes?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for 3 additional minutes.

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

Mr. BYRD of West Virginia. Mr. President, I would be constrained to object to the Senator from New York having additional time, but I would be glad for the Senator from Minnesota to have 3 additional minutes in his own right.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I shall take just a minute, because I would like the Senator's comments on this.

As I see our job, Mr. President, it is to design a bill which will bridge this seeming difference between the administration bill and the bill of the distinguished senior Senator from Minnesota (Mr. MONDALE), expressing the views of the Legislative Subcommittee as well. I wish to assure the Senate and my very dear friend and colleague from Minnesota that I shall apply myself completely to that effort. I believe that I shall be much better able to do what must be done if I stand where I am, rather than immediately joining in his bill at this time. I hope that both he and others will understand that it does not represent at all any retirement from the position I have taken which induced me to join in the bill reported by the Education Subcommittee during the closing days of the 91st Congress. I have confidence that we will work out a permanent piece of legislation, and that in order to do it, I believe I am in the best position this way.

Mr. MONDALE. I thank the Senator from New York. The measure which we introduce today is in part a product of the contribution offered by the Senator from New York, and is the measure which last session was unanimously recommended by the Senate Subcommittee on Education. It incorporates the most hopeful strategies of which we are aware to try to deal with this heartbreaking and tragic issue of segregation and unequal educational opportunities in America today.

Anyone who feels he knows all the answers ought to spend a few days with us on our Education Subcommittee, to realize what a difficult and profoundly important issue this is. It is not something we can run away from; we must deal with it, and I am very hopeful that this session of Congress can handle it directly.

There is no Senator who has stood more for this proposition or who is better advised or more experienced than the Senator from New York. I look forward to working with him on this issue.

Mr. JAVITS. I thank my colleague, and also thank the deputy majority leader for his graciousness.

Mr. BYRD of West Virginia. I thank the able Senator.

## ADDITIONAL STATEMENTS

## THE GEORGE WASHINGTON UNIVERSITY SESQUICENTENNIAL

Mr. FULBRIGHT. Mr. President, the George Washington University, the only private nonsectarian university in our Nation's Capital, is celebrating its 150th anniversary of the signing, by President

James Monroe, of the congressionally approved charter under which the university still operates.

From a shoestring, beginning in 1821, with 30 students and three professors, the George Washington University has grown into one of the major educational institutions in the United States.

Known as the alma mater of Federal decisionmakers, this private, nonsectarian university has more graduates in the foreign service and in top Federal executive positions than has any other college or university in the Nation.

I am proud that I am a graduate of George Washington University National Law Center. Other Members of the 92d Congress who are alumni include Senators ROBERT C. BYRD, West Virginia; NORRIS COTTON, New Hampshire; DANIEL K. INOUE, Hawaii; and FRANK E. MOSS, Utah; and in the House, Representatives GARRY BROWN, Michigan; JOEL T. BROYHILL, Virginia; GOODLOE E. BYRON, Maryland; CHARLES E. CHAMBERLAIN, Michigan; JOE L. EVINS, Tennessee; JOHN J. FLYNT, Georgia; GILBERT GUDE, Maryland; ORVAL HANSEN, Idaho; SHERMAN P. LOYD, Utah; PAUL G. ROGERS, Florida; WILLIAM L. SCOTT, Virginia; KEITH G. SEBELIUS, Kansas; and JOSEPH SKUBITZ, Kansas. Also included are two members of the President's Cabinet, Secretary of Housing and Urban Development George W. Romney and David M. Kennedy, Secretary of the Treasury. FBI Director J. Edgar Hoover, Mrs. Jacqueline Kennedy Onassis, and Mrs. Margaret Truman Daniel are among GW's famous graduates.

The university's 40,000 living alumni include equally distinguished people in business, industry, and the professions. In the Washington area alone, there are 20,000 alumni, including 4,200 lawyers, 900 physicians, 2,300 educators, and 1,000 engineers.

The cowinner of the 1970 Nobel Prize in medicine, Julius Axelrod, is a GW graduate and part-time faculty member. Other notable lecturers include former Chief Justice Earl Warren and Consumer Advocate Ralph Nader.

GW's student body numbers 15,000 on campus—from 50 States and 92 countries—and 10,000 offcampus adults who take GW courses in the suburbs, in the Federal agencies, and in the Armed Forces. The oncampus student population includes 97 minority group students from the District of Columbia who are admitted without charge.

Under President Lloyd H. Elliott, GW is completing an ambitious development program which, in the past 5 years, has doubled the value of its physical plant and given identity to its 16-block urban campus bounded by Pennsylvania Avenue, 24th, F, and 19th Streets NW., just three blocks west of the White House.

Currently under construction is a \$25,000,000 medical school complex and a \$16,000,000 income-producing building to be leased to Potomac Electric Power Co. A \$10,000,000 university library is expected to get underway this spring. Recently completed were a \$9,000,000 University Center and a \$4,500,000 classroom building. Other recent additions include the Jacob Burns Law Library, the Luther

Rice Administration Building, the Eugene Meyer Pavilion of the university hospital, the Joseph Henry Office Building, a new office building, a new emergency unit for the hospital, and the university clinic—offering all major specialties for outpatient care.

With more than 6,500 personnel, GW is the second largest corporate entity in the Metropolitan Washington area. The university is channeling \$200,000 a day, 365 days a year, into the Metropolitan Washington area through its annual budget of approximately \$75,000,000.

Academic programs are offered through eight degree-granting schools and colleges, including the Nation's second largest law school and the well-known schools of medicine, public and international affairs, and Government and business administration. Interdisciplinary approaches to study and research are exemplified by programs in science, technology, and public policy; Sino-Soviet studies; and law, psychiatry, and criminology.

At the undergraduate level, a wide range of conventional subjects is complemented by unique programs in speech pathology, medical technology, Chinese studies, Latin American studies, statistics, and experimental humanities.

Exceptional opportunities for learning are made possible through cooperative programs conducted in various fields of study with the Library of Congress, U.S. Information Agency, the Smithsonian, National Gallery of Art, Members of Congress, and such inner city groups as Shaw People for Urban Renewal—SPUR—Congress Heights Association for Services and Education—CHASE—Congress Heights Committee for Health Facilities and Medical Services, and the Washington Metropolitan Planning and Housing Association.

Through these and other academic offerings, GW seeks to provide future leaders with the knowledge, experience, and motivation to devote a lifetime to coping with the problems which the Nation is, and will be, facing.

The Metropolitan Washington Board of Trade paid tribute to the university on January 19, 1971, at a special sesquicentennial luncheon. Almost 500 government, business, and industrial leaders honored the George Washington University for its 150-year contribution to our Nation and the Metropolitan Washington area. Congratulatory messages were received from a number of leading government officials. President Richard M. Nixon said:

Throughout its eventful history the George Washington University has responded with strength and imagination to the changing academic needs of our growing society.

Mayor Walter E. Washington, District of Columbia, said:

George Washington University's 150 years of growth and steady progress, and its significant future plans, combine to constitute an exemplary source of great inspiration to the City of Washington and to the entire metropolitan community. Even beyond the academic contributions, we are aware of the significant economic impact that is made by the University to the general welfare of our citizens.

Gov. Marvin Mandel of Maryland:

Marylanders—as well as the people of all the 50 states and many foreign nations—can take great pride in the outstanding educational and cultural opportunities offered by The George Washington University.

Gov. Linwood Holton of Virginia:

For 150 years George Washington University has made a continuing contribution to higher education throughout the world. We in Virginia feel a particular bond to an institution whose alumni can be found throughout the Commonwealth.

Mr. President, I know that all Senators would want to join in extending congratulations to the George Washington University on the occasion of its sesquicentennial, 1821-1971.

Mr. COTTON. Mr. President, this is not the first time that I have been physically present in the Chamber while my thoughts have been downtown at George Washington University.

Some years ago, when Senator George M. Moses, of New Hampshire, was serving so ably in this body, there was on the Senator's staff a fellow named NORRIS COTTON, and although this young assistant was supposed to be devoting his attention to the matters of Congress, I must admit that his mind frequently strayed to the courses that he was taking at the same time at the George Washington University Law School.

I am grateful, Mr. President, that that young staff member somehow got through his courses at GW and that he now has the privilege of standing here today as the senior Senator from New Hampshire, and that the university, in turn, managed to survive COTTON and is now celebrating its 150th anniversary year.

I feel a deep sense of personal gratitude for the outstanding instruction and guidance I received through the university.

I feel humbly pleased to be numbered in the company of the sons and daughters who comprise GW's alumni.

To the officials, the teaching staff, and the student body at GW, I extend my most sincere congratulations and commendations, and I offer my very best wishes to the university for centuries more of leadership in the academic world.

#### MARVIN MANDEL IS INAUGURATED MARYLAND'S 56TH GOVERNOR

Mr. MATHIAS. Mr. President, at noon on January 20, 1971, the Honorable Marvin Mandel was inaugurated to a 4-year term as the 56th Governor of Maryland. I ask unanimous consent that Governor Mandel's inaugural address delivered at the State house in Annapolis be printed in the RECORD.

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

#### INAUGURAL ADDRESS OF MARVIN MANDEL, GOVERNOR OF MARYLAND

Lieutenant Governor Lee, Mr. President, Mr. Speaker, Ladies and Gentlemen of the General Assembly, Right Reverend Clergy, Distinguished Guests, My Fellow Marylanders:

Today is a day of accounting as well as a cause for celebration. For today, Maryland

has an opportunity to speak out to a troubled nation—to show the way toward a new path of purpose and progress.

For this generation of Marylanders, as no other before it, has earned the future by persevering in the present. And I have just sworn before you and Almighty God that future generations of Marylanders will look back upon today, not in anger, but in gratitude for the legacy we will have left them.

Just as the first elected governor of Maryland, Thomas Johnson, took the oath of office in the midst of a great Revolution, I stand before you—the fifty-sixth Governor elected in a continuous line—at a time of tension and turmoil.

The history of the last decade is virtually the story of civilization as the young among us know it, and a shattering episode in the cycle of events as the older among us have lived it.

All of us—young and old alike—have been hurtled through that time frame with such unprecedented ferocity that the nation's vision has been temporarily blurred.

By any measure of the immediate past, we truly are a troubled nation—sick in spirit, aimless and adrift, overwhelmed by bigness, tortured by a feeling of helplessness, tormented by our own impatience with things as they are.

We fight our individual battles instead of joining together to conquer our common enemies.

The rhythms of history—of mankind, of our nation, of our State—are a series of ups and downs. And this nation has had its share of both.

But often our memories are short.

Have we forgotten the Revolution that ended on this very hill in 1783?

Have we forgotten that just over a century ago this nation was divided against itself, and fought a bitter war to preserve its unity?

Have we forgotten the struggles and desperation of the Thirties, when half the nation was hungry and our very system was under siege?

Have we forgotten the great struggles for freedom that have taken place around the globe in this century?

Our memories are short, indeed.

For the struggles and challenges of today are the very same ones that tested our forebears.

The great anxiety that besets us today is a weariness of spirit, a desolation of the soul that betrays our destiny of greatness as a nation.

Daily we see our customs and traditions uprooted and derided by those who ignore the heritage upon which they are built.

Daily we witness generation turn upon generation, with shameful disregard for unity as a source of national strength.

Daily we see race turn upon race, forgetting that our national goals are achieved by building together rather than by tearing apart.

There are those among us who say this mighty and proud nation of 200 million has lost its way—

That by our division and indifference we have gouged wounds too deep to heal.

That by our bitter rhetoric and brash threats, we have stirred fears that will never be calmed.

That we have created problems too great to tame.

I come before you today neither to advance an impossible dream nor to preach a Gospel of doom.

I am here, instead, in the spirit of renewal as well as change—for today, there is a counterforce alive in the nation—the voice of reason ringing out across the land.

To those among us who believe that violence is a badge of conviction, the majority of us say you are wrong.

To those among us who contend destruc-

tion and disturbance are symbols of commitment, I say you are misguided.

To those among us who are indifferent to both good and ill in our system, I say that indifference is our greatest national sin.

And to everyone—black and white, young and old, rich and poor—I say that we will not be terrorized into tyranny of the right or the left, or by impotence that threatens to weaken us as a nation.

Let us lay aside, once and for all, the new American pipedream that we are too weak of will and void of spirit to try again.

The challenge is clear—whether the new myth of national impotence is stronger than the old reality of national decency and strength. I say it is not.

I believe today—as I have always believed—that we, as a people, have the fortitude, the courage, the guts to face our problems squarely. For we have always been at our best in adversity.

The battles we have fought—the crises we have endured—all have been crucibles for the enlargement of freedom—freedom for our nation, freedom for us as individuals.

Be it in a distant rice paddy, or in a ghetto wasteland, the Faith of Our Fathers—whether it be of Jesus, of Moses, or of Mohammad—has been the guiding force that has driven us onward as a nation. For freedom, no matter how unfair its distribution, is truly a gift of God. And I believe we have been bountifully blessed with it.

And now we must pick up the challenge again, to renew our spirit once more, before the American Dream actually becomes a nightmare.

The conflict we undertake today is a conflict of creativity, a test of whether we can peacefully put to work the best of our nature so that we, as a people, can conquer our common enemies—hunger, deprivation, injustice, sickness, environmental disaster.

This ceremony today symbolizes not a beginning, but a continuation of the spirit of government that has been stirring in Maryland for the past two years.

And you, the citizens of Maryland—born into a fierce tradition of individual freedom and intolerant of anything less—have paid me great tribute by giving me the opportunity to serve you.

For I believe, with all of you, that government is an instrument of orderly social change. And with your help, and with the grace of Almighty God, we will turn the temper of the times into a constructive force that will benefit us all as a State, as a nation.

We have the makings of greatness. All we need is the courage of initiative.

For government is the servant of the people, a loyal servant whose only interest is the public interest.

To be compassionate but firm, to feel but to be fair, to hear but to weigh, to respond but never be pressured, to accept this office as a great public trust—these are my ambitions as Governor of Maryland.

I ask you to join me in this venture, for the success of each of us depends upon the determination of both of us.

All the terrible struggles of our history were part of an honesty, a toughness, a decency, which is uniquely American.

So this challenge is not new. Nor is our capacity to deal with it. Only the choice is new.

To those who seek the simple convenience of labels and causes, I say:

I am neither liberal nor conservative, I belong to no cults or cliques, I am not swayed by fad or fashion. I will do what must be done because I believe it is right.

And I share the wisdom of Woodrow Wilson's observation, that "The ear of the leader must ring with the voices of the people."

I assure you, your voices will always be heard.

Thank you.

## INTERNATIONAL LAW AND U.N. CONVENTION

Mr. PROXMIRE. Mr. President, the United Nations, over two decades ago, undertook the noble task of improving the observance of human rights throughout the world. Few can doubt the significance of the United Nations and the role it plays in the world today.

I have consistently urged that the United States join this noble task by having the Senate advise and consent with regard to the Convention on the Prevention and Punishment of Genocide. I must commend the President of the United States for having urged this body to act. I must also commend the distinguished chairman of the Foreign Relations Committee (Mr. FULBRIGHT) for his work in getting this Convention sent to the floor at the last session of Congress; also the Senator from Idaho (Mr. CHURCH), the able and dedicated chairman of the subcommittee, under whose leadership hearings were held regarding the Genocide Convention.

In urging ratification of the Genocide Convention, I have continually stressed its potential impact of the actions and deeds of nations. By ratifying this Convention we can join in yet another way, with the United Nations in that noble task it undertook some 20 years ago.

In this light, it has been sad to hear some opponents of the Genocide Treaty claim that its ratification will have no significant effect on world affairs. I cannot accept this view. If it is true, then the hopes of mankind that someday we will live under law which guarantees all human rights is hollow. I cannot accept this view either.

Furthermore, if we had taken this attitude as regards the founding of the United Nations, or the writing of the Declaration of Independence, then we would never progress toward greater compassion and liberty.

There is an urgency today that is greater than at any time in our history. An urgency, in the words of the Secretary General of the United Nations:

To subordinate our ancient quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion and to supply the required momentum to development efforts. If such a global partnership is not forged within the next decade then I very much fear that the problems I have mentioned will have reached such staggering proportions that they will be beyond our capacity to control.

In June 1967, the Secretary General prepared a study regarding the international influence of the Universal Declaration of Human Rights. This study conclusively demonstrates, that U.N. efforts toward guaranteeing human rights has made a significant difference in the life of mankind. The Genocide Convention was drafted in the hope that we could strike out against the cruelest of crimes, the mass slaughter of people, and rid the world of this terrible plague, and thus be one step closer to fulfillment of all basic human rights.

The study prepared by U Thant lends great weight to the argument that ratify-

ing the Genocide Convention will affect the actions of men. I ask unanimous consent that this study, entitled "Measures Taken Within the United Nations in the Field of Human Rights," be printed in the RECORD.

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

EXCERPTS FROM MEASURES TAKEN WITHIN THE UNITED NATIONS IN THE FIELD OF HUMAN RIGHTS

C. AUTHORITY AND IMPACT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

25. The Universal Declaration of Human Rights, in the nineteen years which have elapsed since it was adopted, has exercised an extremely powerful influence throughout the world both internationally and nationally. Its provisions have been used as a basis for various types of action taken by the United Nations; they have inspired a number of international conventions both within and outside the United Nations; they have exercised a significant influence on national constitutions and on municipal legislation and, in several cases, on court decisions. In some instances the text of provisions of the Declaration was actually used in international instruments or national legislation. There are also very many instances of the use of the Declaration as a code of conduct and as a yardstick to measure the degree of respect for and of compliance with the international standards of human rights.

26. In the paragraphs that follow an attempt is made to indicate some of the most significant actions of the United Nations and its organs and of individual Governments which were inspired by or based upon the Universal Declaration. By and large, one can trace three main areas in which the impact of the Universal Declaration has been felt: (a) decisions taken by the United Nations, its organs, the specialized agencies and other intergovernmental organizations; (b) international treaties and conventions; and (c) national constitutions, municipal legislation and court decisions.

D. IMPACT OF THE UNIVERSAL DECLARATION ON DECISIONS TAKEN BY THE UNITED NATIONS AND ITS ORGANS

27. On several occasions the General Assembly has used the Declaration as a code or standard of conduct and as a basis for appeals in urging and recommending Governments to take measures to promote respect for and observance of human rights and fundamental freedoms.<sup>14</sup> In its resolution entitled "Essentials of Peace,"<sup>15</sup> the Assembly called upon every nation: "To promote, in recognition of the paramount importance of preserving the dignity and worth of the human person, full freedom for the peaceful expression of political opposition, full opportunity for the exercise of religious freedom and full respect for all the other fundamental rights expressed in the Universal Declaration of Human Rights . . .". In 1965, the Assembly, in a resolution entitled "Measures to accelerate the promotion of respect for human rights and fundamental freedoms,"<sup>16</sup> urged all Governments to make special efforts during the United Nations Development Decade to promote respect for and observance of human rights and fundamental freedoms and invited them to include in their plans for economic and social development measures directed towards the achievement of further progress in the implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and in subsequent declarations and instruments in the field of human rights.

28. At its twenty-first session, in 1966,

the General Assembly, convinced that "gross violations of the rights and fundamental freedoms set forth in the Universal Declaration of Human Rights continue to occur in certain countries", called, *inter alia*, upon all States "to strengthen their efforts to promote the full observance of human rights and the right to self-determination in accordance with the Charter of the United Nations, and to attain the standards established by the Universal Declaration of Human Rights".<sup>17</sup>

29. At the fourth session in 1949, the General Assembly resolved: "To declare formally that discrimination on racial grounds as regards educational facilities available to the different communities in the Trust Territories is not in accordance with the principles of the Charter, the Trusteeship Agreements and the Universal Declaration of Human Rights".<sup>18</sup>

30. With regard to the question of human rights in Non-Self-Governing Territories, the General Assembly, in 1950, adopted a resolution dealing with information on this subject which noted the provision contained in article 2 of the Universal Declaration of Human Rights that no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. The resolution then invited the Members responsible for the administration of Non-Self-Governing Territories to include, in the information to be transmitted to the Secretary-General under Article 73e of the Charter, a summary of the extent to which the Universal Declaration of Human Rights was implemented in the Non-Self-Governing Territories under their administration; and requested the Special Committee dealing with this subject to include in its report to the General Assembly such recommendations as it might deem desirable relating to the application in Non-Self-Governing Territories of the principles contained in the Universal Declaration of Human Rights.<sup>19</sup>

In the following year, the General Assembly requested that the Administering Members describe "the manner in which human rights, in accordance with the principles set forth in the Universal Declaration of Human Rights, are protected by law, particularly in respect of (a) legal principles and procedures; (b) basic legislation and its application; (c) anti-discrimination legislation".<sup>20</sup> In 1952, the Assembly further recommended to the Members responsible for the administration of such territories "the abolition in those Territories of discriminatory laws and practices contrary to the principles of the Charter and of the Universal Declaration of Human Rights".<sup>21</sup>

31. The General Assembly has had recourse to the Declaration in various decisions concerning the Territory of South West Africa. In 1957, in examining the report of the Committee on South West Africa, it noted with concern that "existing conditions in the Territory of South West Africa and the trend of the administration represent a situation contrary to the Mandates System, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice and the resolutions of the General Assembly".<sup>22</sup> Similar concern was expressed by the General Assembly in 1959 and 1960 when it noted that the administration of the Territory had been conducted increasingly in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights and the advisory opinions of the International Court of Justice.<sup>23</sup> The Assembly further, in a resolution adopted in 1960 on the same subject, considered that the apartheid policy applied in South West Africa was contrary to the terms of the Mandate, the provisions of the Charter of the United Nations and

the Universal Declaration of Human Rights.<sup>24</sup> At its twenty-first session in 1966 the General Assembly, convinced that the administration of the Mandated Territory by South Africa had been conducted "in a manner contrary to the Mandate, the Charter of the United Nations and the Universal Declaration of Human Rights", decided that the Mandate was terminated and that South Africa had no other right to administer the Territory.<sup>25</sup>

32. The Universal Declaration has also been invoked in several decisions of the General Assembly concerning the general problem of discrimination. In 1952 the General Assembly emphasized "that the full application and implementation of the principle of non-discrimination recommended in the United Nations Charter and the Universal Declaration of Human Rights are matters of supreme importance, and should constitute the primary objective in the work of all United Nations organs and institutions".<sup>26</sup> At its fifteenth session in 1960, it resolutely condemned all manifestations and practices of "racial, religious and national hatred in the political, economic, social, educational and cultural spheres of the life of society as violations of the Charter of the United Nations and the Universal Declaration of Human Rights".<sup>27</sup> The Universal Declaration of Human Rights has also been recalled and cited in the General Assembly resolution proclaiming and adopting the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.<sup>28</sup>

33. The Declaration was also invoked in several decisions of the General Assembly concerning the treatment of people of Indian and Indo-Pakistan origin in South Africa. In repeated resolutions the Assembly called upon the parties to solve the dispute "in accordance with the purposes and principles of the United Nations Charter and the Universal Declaration of Human Rights".<sup>29</sup>

34. With regard to the problem of racial prejudice and religious intolerance, the General Assembly, in 1962, reiterated "its condemnation of all manifestations of racial prejudice and of national and religious intolerance as violations of the Charter of the United Nations and of the Universal Declaration of Human Rights".<sup>30</sup>

35. The Universal Declaration provided the basis of a decision of the General Assembly of 1949, when it took action on the question of discrimination practised by certain States against immigrating labour: "In view of the importance of the principle of non-discrimination embodied in the Universal Declaration of Human Rights" the General Assembly decided that there should be no offensive distinctions with regard to the enjoyment of all facilities for accommodation, food, education, recreation and medical assistance against such workers and their families.<sup>31</sup>

36. In considering the question of interference with radio signals, the fifth session of the General Assembly invoked article 19 of the Universal Declaration of Human Rights and invited the Governments of all Member States to refrain from such interference.<sup>32</sup>

37. In 1952 the Assembly, dealing with the problem of information facilities in underdeveloped regions of the world, *inter alia*, invited the Economic and Social Council "to recommend to the organizations participating in the technical assistance and other programmes providing aid or assistance at the request of Member States" that they give sympathetic consideration to such requests as "one means of implementing the right of freedom of information as enunciated in article 19 of the Universal Declaration of Human Rights".<sup>33</sup>

38. On the question of the status of women, the General Assembly, at its ninth session in 1954, in recalling "the principles set forth in the United Nations Charter and in the

Universal Declaration of Human Rights" and in considering that "in certain areas of the world women are subjected to customs, ancient laws and practices relating to marriage and the family which are inconsistent with these principles", recommended that special efforts be made to inform public opinion in those areas concerning the Universal Declaration of Human Rights and existing decrees and legislation affecting the status of women.<sup>34</sup>

39. The General Assembly and the Security Council repeatedly invoked the Universal Declaration or referred to its principles in their endeavour to put an end to the policy of apartheid practised in South Africa. This question is dealt with in detail in another part of this study.<sup>35</sup> Suffice it here to recall Security Council resolution 182 of 4 December 1963,<sup>36</sup> in which the Council urgently requested "the Government of the Republic of South Africa to cease forthwith its continued imposition of discriminatory and repressive measures which are contrary to the principles and purposes of the Charter and which are in violation of its obligations as a Member of the United Nations and of the provisions of the Universal Declaration of Human Rights". The General Assembly, in previous decisions,<sup>37</sup> had also considered that the racial policies practised in South Africa were "contrary to the United Nations Charter and the Universal Declaration of Human Rights".

40. In resolution 285 (III) of 25 April 1949, the Assembly recommended that one State Member withdraw the measures which prevented its nationals, wives of citizens of other nationalities, from leaving their country of origin with their husbands or in order to join them abroad. In this connexion the Assembly invoked articles 13 and 16 of the Universal Declaration, which provide that everyone has the right to leave any country, including his own, and that men and women of full age have the right to marry without any limitation due to race, nationality or religion. In opposition to this some delegations stated that the matter was exclusively within the domestic jurisdiction of the country concerned.

41. At its fourteenth session the General Assembly adopted a resolution concerning the question of Tibet, in which it recalled the principles regarding fundamental human rights and freedoms set out in the Chapter and in the Universal Declaration of Human Rights and called for respect for the fundamental human rights of the Tibetan people.<sup>38</sup> Delegations opposed to the resolution pointed out that it was contrary to Article 2, paragraph 7, of the Charter. At its sixteenth and twentieth sessions the General Assembly adopted resolutions on the question of Tibet in which it reaffirmed its conviction that respect for the principles of the Charter and for the Universal Declaration of Human Rights was essential for the evolution of a peaceful world order based on the rule of law.<sup>39</sup>

42. The Universal Declaration also provided the basis for action in several decisions and recommendations of the Economic and Social Council. In 1955, the Council noted article 23, paragraph 2, of the Universal Declaration of Human Rights, which, referring to all men and women workers, stated that "Everyone, without any discrimination, has the right to equal pay for equal work", and recommended that Governments give practical effect to the principle of equal pay for equal work.<sup>40</sup> In another resolution, the Council recommended to Governments that they take the necessary steps to remove legal and other obstacles impeding the access of married women to public services and functions and the exercise by them of such functions. In doing so, the Council invoked article 21 of the Universal Declaration of Human

Rights, which provides that everyone has the right to take part in the government of his country and the right to equal access to public service in his country.<sup>41</sup>

#### E. INFLUENCE OF THE UNIVERSAL DECLARATION ON INTERNATIONAL TREATIES AND CONVENTIONS

43. In the International Covenants which the General Assembly adopted on 16 December 1966 the provisions of the Universal Declaration of Human Rights were with some exceptions—transformed into international conventional law. However, independently from the Covenants, the drafting of which occupied the United Nations organs for many years, a considerable number of international conventions were prepared and put into effect after 1948, the purpose of which was to implement rights proclaimed in the Declaration. The text of the Preambles of the Conventions often specifically refer to the Declaration or reproduce the relevant provisions thereof.

44. These Conventions are, in part, of a world-wide character and, in part, of territorially limited application, i.e., of a regional or bilateral character. The Conventions of world-wide application were prepared and adopted by the United Nations, by conferences convened by the General Assembly or by the Economic and Social Council or by specialized agencies (International Labour Organisation and UNESCO). In chronological order these instruments are the following: the Convention relating to the Status of Refugees (1951), the Equal Remuneration Convention (1951) (ILO), the Convention on the Political Rights of Women (1952), the Convention on the Status of Stateless Persons (1954), the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956), the Convention on the Nationality of Married Women (1957), the Convention on the Abolition of Forced Labour (1957) (ILO), the Discrimination (Employment and Occupation) Convention (1958) (ILO), the Convention against Discrimination in Education (1960) (UNESCO), with the Protocol of 1962; the Convention on the Reduction of Statelessness (1961), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962), the Employment Policy Convention (1964) (ILO) and the International Convention on the Elimination of All Forms of Racial Discrimination (1965).

45. The European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, proclaims in its Preamble that it was agreed to by the States Parties in order "to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration". The Universal Declaration is listed as the first of the considerations which led the signatory Governments to conclude the Convention. As far as substance is concerned, the European Convention contains detailed provisions on most of the civil and political rights set forth in the Universal Declaration of Human Rights. Protocols to the Convention agreed to in 1952 and in 1963 give effect to a number of additional rights proclaimed in the Declaration.

46. The following instruments applying to specific countries or territories or to a whole region refer to the Universal Declaration of Human Rights: the Trusteeship Agreement with Italy concerning Somaliland under Italian Administration (1950), the Peace Treaty with Japan (1951), the Special Statute concerning Trieste (1954), the Charter of the Organization of African Unity (1963).

#### F. INFLUENCE OF THE UNIVERSAL DECLARATION ON NATIONAL CONSTITUTIONS, MUNICIPAL LAWS AND COURT DECISIONS

47. Evidence of the impact of the Universal Declaration may be found in texts of various

national constitutions which were enacted after the adoption of the Universal Declaration.<sup>42</sup> Several of these constitutions expressly refer, either in their preambles or in their operative provisions to the Universal Declaration. In addition, many other constitutions contain detailed provisions on a number of human rights, most of which are inspired by, or often modelled on, the text of the articles of the Declaration. Several constitutions drafted with the assistance of United Nations experts, such as those of Libya (1951) and Eritrea as an autonomous unit of Ethiopia (1952), show the marked influence of the Universal Declaration. The impact of the Declaration, however, is also reflected in many other instruments.

In the period between 1958 and 1964 the constitutions of several States have expressly referred to the Universal Declaration. In the constitutions of Algeria (1963), Burundi (1962), Cameroon (1960), Chad (1960), Democratic Republic of the Congo (1964), Republic of the Congo (1963), Dahomey (1964), Gabon (1961), Guinea (1958), Ivory Coast (1960), Madagascar (1959), Mali (1960), Mauritania (1961) Niger (1960), Senegal (1963), Togo (1963) and Upper Volta (1960) the peoples of these countries affirm solemnly their devotion to the principles and ideals of the Universal Declaration. The Constitution of Somalia of 1960, in its article 7, provides that the Republic of Somalia shall comply, in so far as applicable, with the Universal Declaration of Human Rights. The Constitution of Rwanda of 1962 expressly provides that "the fundamental freedoms as defined by the Universal Declaration of Human Rights are guaranteed to all citizens".

48. Other constitutions recently enacted, although they do not expressly refer to the Universal Declaration, are clearly inspired by its provisions and very often reproduce its phraseology. Some examples are the constitutions of Afghanistan (1964), Central African Republic (1964), Cyprus (1960), Dominican Republic (1963), Gambia (1965), Guatemala (1965), Haiti (1964), Honduras (1965), Jamaica (1962), Kenya (1964), Malawi (1964), Malta (1964), Morocco (1962), Nigeria (1960), Romania (1965), Sierra Leone (1961), Singapore (1965), Syria (Provisional Constitution, 1964), Tangayika (1962), Trinidad and Tobago (1962), Uganda (1962), United Arab Republic (1964), Yugoslavia (1963) and Zanzibar (1963).

49. The impact of the Declaration in the sphere of municipal law can be found in a number of laws and decrees enacted in various countries. In 1951 Paraguay adopted an act (No. 94) to protect scientific, literary and artistic works and to establish a public register of intellectual rights. The preamble of the act cites article 27, paragraph 2, of the Universal Declaration providing that "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author".<sup>43</sup>

50. The Provincial Legislature of Ontario, Canada, adopted an act to promote fair employment practices in 1951 and an act to promote fair accommodations practices in 1954. The purpose of both acts is to eliminate any discrimination "because of race, creed, colour, nationality, ancestry or place of origin". The preamble of either act declares that the act is "in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations".<sup>44</sup>

51. The Government of Argentina issued a legislative decree (No. 1664) in 1955, which declares in its preamble that provisions purporting to deprive anyone of his nationality as a measure of political persecution are contrary to human rights as proclaimed by the General Assembly of the United Nations.<sup>45</sup>

52. The Government of Bolivia issued a legislative decree (No. 3937) in 1955 to establish a national system of education. In its preamble the decree reaffirms the principle

Footnotes at end of article.

of equality of opportunity for all Bolivians, without any discrimination, and declares that national education shall be inspired by the Universal Declaration of Human Rights.<sup>45</sup>

53. Panama enacted a law (No. 25) in 1956 to implement article 21 of its Constitution, which prohibits discrimination on account of birth, race, social origin, sex, religion or political opinion. In its preamble the law says that any discrimination on account of colour or race is "a flagrant violation" of article 21 of the National Constitution and "of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948".<sup>47</sup>

54. The Government of Costa Rica promulgated an act (No. 2694) in 1960 prohibiting all forms of discrimination in employment. In paragraph 4 of its preamble the act makes reference to "the Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly".<sup>48</sup>

55. The Declaration or its individual articles have been invoked with varying effect in judicial proceedings and cited in a number of judicial decisions and opinions.

56. The Universal Declaration has been referred to by judges of the International Court of Justice.<sup>49</sup>

57. At the level of national courts the Universal Declaration has been referred to, *inter alia*, in: *Fujii v. State of California* (California District Court of Appeals, 1950); in *Wilson v. Hacker* (New York Supreme Court, 1950); in *Lincoln Union v. Northwestern Company and American Federation of Labor v. American Sash and Door Company* (Supreme Court of the United States, 1949); in *Public Prosecutor v. F. A. V. A.* (Penal Chamber of the Supreme Court of the Netherlands, 1951); in *Borovski v. Commissioner of Immigration and Director of Prisons and Mejoft v. Director of Prisons* (Supreme Court of the Philippines, 1951); in several decisions (1951, 1952, 1954, 1956) rendered by the Civil Court of Courtral (Belgium); in a ruling (1954) of the Court of Taranto (Italy); in *Soc. Roy Export at Charlie Chaplin v. Soc. Le Film Rayée Richebé* (Court of Appeals of Paris (France), 1960); in *Israel Film Studies Ltd. v. Films Inspection Board* (Supreme Court of Israel, 1962); in *Gold v. Minister of Interior* (Supreme Court of Israel, 1962); in *The Queen v. Liyanage* (Supreme Court of Ceylon, 1963) and in a decision (1964) handed down by the Milan (Italy) Court of Appeals (*Foro Italiano*), 1965, II, 122 pp.)

#### FOOTNOTES

<sup>14</sup> General Assembly resolutions 540 (VI) of 4 February 1952; 1041 (XI) of 20 February 1957; 1775 (XVII) of 7 December 1962; 1776 (XVII) of 7 December 1962.

<sup>15</sup> General Assembly resolution 290 (IV) of 1 December 1949.

<sup>16</sup> General Assembly resolution 2027 (XX) of 18 December 1965.

<sup>17</sup> General Assembly resolution 2144 (XXI) of 26 October 1966.

<sup>18</sup> General Assembly resolution 324 (IV) of 15 November 1949.

<sup>19</sup> General Assembly resolution 446 (V) of 12 December 1950.

<sup>20</sup> See annex to General Assembly resolution 551 (VI) of 7 December 1951.

<sup>21</sup> General Assembly resolution 644 (VII) of 10 December 1952.

<sup>22</sup> General Assembly resolution 1142B (XII) of 25 October 1957.

<sup>23</sup> General Assembly resolutions 1360 (XIV) of 17 November 1959 and 1568 (XV) of 18 December 1960.

<sup>24</sup> General Assembly resolution 1567 of 18 December 1960.

<sup>25</sup> General Assembly resolution 2145 (XXI) of 27 October 1966.

<sup>26</sup> General Assembly resolution 532 B (VI) of 4 February 1952.

<sup>27</sup> General Assembly resolution 1510 (XV) of 12 December 1960.

<sup>28</sup> General Assembly resolution 1904 (XVIII) of 20 December 1963.

<sup>29</sup> General Assembly resolutions 265 (III) of 14 May 1949; 395 (V) of 2 December 1950; 511 (VI) of 12 January 1952; 615 (VII) of 5 December 1952; 719 (VIII) of 11 November 1953; 1179 (XII) of 26 November 1957; 1302 (XIII) of 10 December 1958; 1597 (XV) of 13 April 1961; 1662 (XVI) of 28 November 1961.

<sup>30</sup> General Assembly resolution 1779 (XVII) of 7 December 1962.

<sup>31</sup> General Assembly resolution 315 (IV) of 17 November 1949.

<sup>32</sup> General Assembly resolution 424 (V) of 14 December 1950.

<sup>33</sup> General Assembly resolution 633 (VII) of 16 December 1952.

<sup>34</sup> General Assembly resolution 843 (IX) of 17 December 1954.

<sup>35</sup> See below chap. VI.

<sup>36</sup> S/5471.

<sup>37</sup> General Assembly resolutions 721 (VIII) of 8 December 1953 and 820 (IX) of 14 December 1954.

<sup>38</sup> General Assembly resolution 1353 (XIV) of 21 October 1959.

<sup>39</sup> General Assembly resolutions 1723 (XVI) of 20 December 1961 and 2079 (XX) of 18 December 1965.

<sup>40</sup> Economic and Social Council resolution 587 (XX) of 3 August 1955.

<sup>41</sup> Economic and Social Council resolution 771 (XXX) of 25 July 1960.

<sup>42</sup> For the text of the Human Rights provisions contained in these constitutions see the volumes of the *Yearbook on Human Rights* for 1950-1963.

<sup>43</sup> *Yearbook on Human Rights*, 1951.

<sup>44</sup> *Ibid.*, 1951 and 1954.

<sup>45</sup> *Ibid.*, 1955.

<sup>46</sup> *Ibid.*, 1955.

<sup>47</sup> *Ibid.*, 1956.

<sup>48</sup> *Ibid.*, 1962.

<sup>49</sup> Judge Azevedo in the Colombian-Peruvian Asylum Case, Judgement of 20 November 1950, [1950] I.C.J. Rep. 339; Judge Levi Carneiro in the Anglo-Iranian Oil Case (jurisdiction), Judgement of 22 July 1952 [1952] I.C.J. Rep. 163, and Judge *ad hoc* Guggenheim in the Nottebohm Case (Second Phase), Judgement of 6 April 1955 [1955] I.C.J. Rep. 63.

#### NEED FOR BETTER FOREST MANAGEMENT AND DEVELOPMENT

Mr. HATFIELD. Mr. President we are all aware of the many benefits provided by our forests. Forests provide recreational opportunities which every American should have the chance to enjoy. They provide a natural home for wildlife. And they also supply homes for our people. Americans are demanding more of each of these benefits—as well as the myriad others—which are available in a quality forest environment, and we are failing to keep pace with the demand.

The way to meet all of the increasing needs is to institute a balanced policy of better forest management and development. It is to the advantage of all Americans to insure that our forests will continue to provide unique recreational opportunities, including wilderness areas, and wood for housing. Last week I introduced the American Forestry Act, which includes a program to encourage small landowners to grow trees and a Forest Lands Management Fund to provide for better forest management, consistent with the principles of multiple use and environmental quality.

Loran L. "Stub" Stewart has written an excellent article, which was published in the New York Times of January 31,

pointing out the need for new forest laws. I believe that the American Forestry Act would provide solutions to the problems to which Mr. Stewart addresses himself. 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:

#### NEW FOREST LAW NEEDED

(By Loran L. Stewart)

People need housing and they want forests.

These same people want the nearly 5,000 products that are derived basically from wood fiber. They can have both products and forests, but only if they recognize that trees are living things that, like people, grow with proper care and nutrition, mature, and eventually die and return to the earth. Trees in commercial forests that have stopped growing should be harvested and used so they will not be wasted and so highly productive lands can be made available to grow healthy new forests.

While a forest is growing it provides many basic environmental benefits. Growing trees manufacture oxygen and absorb carbon dioxide; they feed and shelter wildlife; they protect and expand soil and watershed values, and they afford unlimited opportunities for a variety of outdoor recreational experiences from camping and hunting through picnicking and berry picking.

When forests grow old, however, like people, they decline. Left to themselves, without care or protection, forests fall victim to old age, fire, insect infestation, storm and disease. They lose their beauty and cease to provide their multiple benefits for other living things.

Old forests absorb as much oxygen as they produce, through decay; game and birds flee their oppressive shade since nutritious ground cover disappears; recreation values diminish except for the hardy and wealthy few who can penetrate a remote, roadless wilderness.

The public benefits of a so-called "preserved" forest are available to only the exceptional citizen. And, most seriously, both the standing timber on such forests and the land potential for growing dynamic new forests are wasted.

The areas of national forest designated as "commercial timberlands" are a classic case in point. Because of well-meaning, but ill-conceived public pressures to "preserve" forests, the publicly owned stockpile of mature timber is being surrendered to fire, pestilence, disease and senility.

Last year, the National Forest Timber Conservation and Management Act, designed to enable responsible forest management on the "commercial timberlands" in national forests, was refused debate in the House of Representatives as a result of such pressures. It was charged that the measure would permit commercial exploitation of public forests, prevent wilderness set-asides and prohibit multiple use of national forests. None of these charges was true.

"Commercial timberlands" make up only 53.1 per cent of lands within the national forests under management of the Forest Service of the Department of Agriculture. These are the 96.9 million acres of timberland within the more than 182.6 million acres of the national forests, which, by law, are to "furnish a continuous supply of timber for the use of the United States."

Both this law establishing the national forests and the natural law of birth, growth, death and regrowth are being violated under present management of the national forests in the United States. A new statute is needed to guarantee that the national forests do not suffer further wasteful abandonment.

Vast areas of the commercial timberlands in national forests are victims of thoughtless waste and imposed neglect. These are the lands where forests have stopped growing in

their natural life cycle, from which birds and game have fled, where oxygen production has become minimal and where timber is allegedly "stored for the future."

Sixty per cent of the national softwood sawtimber inventory suitable for manufacture of lumber and plywood required to build America's homes now stands in national forests. The annual growth rate of all timber volume in national forests is 0.7 per cent. In contrast, industrial forests, scientifically managed under sound business practices, add wood fiber to inventory at a rate of 3.1 per cent a year. These same industrial forests are managed for multiple use by the public for outdoor recreation of all kinds.

Because aging trees most readily fall victim to fire, disease, pestilence and storm, they cannot be "stored" with any assurance that they will be available for some indefinite future use.

Responsible stewardship of the public commercial timber assets of the United States, which belong to all the people, demands that public officials and all the citizens insist that the nation realize the total benefits available from the public forest resource and the land where it now stands. Failure to do so will deprive the people of the wood fiber products they must have, limit the environmental benefits that can be realized from vital forests and, ultimately, impose serious economic burdens on all Americans both as taxpayers and as consumers.

Citizens become angry when dairy farmers dump milk or when truck farmers leave crops to rot in the field because they cannot get the price for their commodities that they believe they must have. There is indignation at such waste of the bounty of the land when people are going hungry.

There should be equal indignation when the Federal Government itself, responding to uninformed pressures to save trees, fails to apply sound forest management to public commercial timberlands when millions of Americans are illhoused, when unemployment is rising, and when hundreds of millions of dollars are being spent annually to preserve forests that nature itself will ultimately destroy.

More than 1.6 million men and women, or 8.6 per cent of the national manufacturing labor force, are directly employed in lumber and wood products, furniture and fixtures, and pulp and paper products. Additional millions are engaged in distribution and installation of wood-based items.

These American citizens and their jobs are threatened when the Federal Government fails to manage its timber resources for economic as well as esthetic and recreational values. Denial of raw material security to forest-based manufacturing facilities, which are frequently the hub of rural communities, diverts capital investment, which can ultimately spell doom to a basic industry and create serious national shortages of necessities fashioned from wood fiber. Loss of jobs in rural communities accelerates the flight to the cities, adding to urban problems.

There are compelling reasons for Congress to insist on wise use of our national forests rather than their consignment to the limited purposes envisioned by preservationists.

Wise use of our national forests, which is true conservation, can provide the means to assure our ill-housed millions a decent home. Nearly 75 per cent of the single-family houses in the United States are of wood frame construction.

Wise use of our national forests can afford significant employment opportunities to relatively unskilled workers in the woods, in the mills, in transportation, in the distribution chain and in the construction industry.

Wise use of our national forests can guarantee all of the forest land values forever:

fish and wildlife, watershed, forage and outdoor recreation, as well as timber.

Wise use of our national forests, including the sale of public timber to industry for conversion to products, will generate substantial revenue to the Federal Government. National forest timber sale revenues in the last decade totaled more than \$2.4-billion.

During the same period, losses of timber in national forests due to natural disaster such as fire, insects and disease, were only one billion board feet less than the volume of timber sold. It is estimated that the annual loss of timber through disaster in national forests is 10 billion board feet. The average volume sold by the Forest Service annually from fiscal year 1960 through 1970 was 11 billion board feet.

Can the United States afford such needless waste of its only renewable industrial raw material? Of course not. The Federal Government must face this fact, and so must the people.

The means to manage the national public forest resource for the maximum benefit of all the people are well known. They have been practiced on industrial commercial forests for more than 30 years. The one significant difference between industrial and national forest management is that industry has reinvested earnings in growing dynamic new forests.

The Forest Service has been unable to do this. Dollars earned for the Federal Treasury through the sale of national forest timber are not reinvested in forest regeneration, cultivation and related silvicultural practices.

While the Forest Service is a rare revenue-producing agency of government, it must seek annual appropriations from Congress to conduct its business of growing timber. This critical deficiency in Federal fiscal management must be overcome, either by legislation or by the Office of Management and Budget in the Executive Branch.

Public forests are a public trust and must be managed for the benefit of the total public; national forests are not.

#### THE BENEFITS OF OPEN WORLD TRADE

Mr. MONDALE. Mr. President, all of us realize that the trade issues which choked the closing days of the last Congress are still with us.

We may hope that some lessons have been learned and that some people have been awakened to the need to proceed actively but responsibly on trade, in spite of the protectionist sentiment that always gains such a dangerous momentum in the midst of a recession.

I think this case for a positive, responsible effort toward a solution of our trade problems was stated extremely well in an editorial published in the Daily Republican Eagle of Red Wing, Minn., on January 8, 1971.

The editorial is not only well worth reading, but is representative of many such editorials and articles which have appeared throughout my own State and, I am sure, throughout most States across the country, on the dangers of sliding into a protectionist war.

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:

#### TRADE FOES UNITE

The trade protectionists who were defeated in Congress should pay heed to the fact that

two previous adversaries are now sounding similar tunes. President Nixon is rightfully reminding Congressmen that his defeated trade package contained not only restrictive quotas but also a number of constructive programs aimed at helping the U.S. gain a more fortunate position in the import-export balance. Sen. Mondale is saying much the same, pointing out that all trade factions within the country should work together to strengthen the U.S. bargaining hand—but only within internationally accepted ground rules.

Despite the seeming harmony of these two points of view, the protectionist bills are likely to return in equal numbers in the coming session. However, the arguments in their favor are being continually weakened. Japan, a tough opponent in trade competition, is being forced to give up some of its protections. Its leaders have discovered that they can't afford the retaliations from other nations. Both the U.S. and Australia have moved to withhold key raw materials which Japan must import in volume if she is to continue economic expansion. Wages also are rising rapidly in Japan, making it less of a threat to U.S. textile manufacturers. Meantime, other low-wage countries such as Hong Kong, Taiwan and South Korea are moving to take Japan's place.

What all this means is that each nation needs to produce what it's best suited to produce, with the U.S. tending toward the manufacture of high-capital, high-technology, high-wage products at home and toward the purchase of low-wage products abroad. Obviously, the transition will never be complete and will continue at times to be painful. But the path is one that's clearly marked, and legislation that artificially restricts our progress is as futile as attempting to turn back the clock.

#### LITHUANIA'S FIGHT FOR FREEDOM—30 YEARS OF SOVIET OPPRESSION

Mr. BROOKE. Mr. President, for too long too many people throughout the world have been unaware of what has happened to the people of Lithuania. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of Lithuania shows this to be a cruel fiction. The Communist regime did not come to power in Lithuania by legal or democratic process. The Soviets invaded and occupied Lithuania in June of 1940, and the Lithuanian people have been suffering in Russian Communist slavery for more than 30 years.

Americans of Lithuanian origin or descent, numbering over 1 million, will commemorate two very important anniversaries during the second part of February 1971: First, they will observe the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251; and second, they will mark the 53d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Lithuanians are proud people who have lived peacefully on the shores of the Baltic from time immemorial. Lithuania has suffered for centuries from the accident of geography. From the west the country was invaded by the Teutonic knights, from the east by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, it should be kept in mind, are ethnically related neither to the Germans nor the Russians. Their language is the oldest in Europe today.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into Lithuania and annexed this Republic in June of 1940. In one of history's greatest frauds, elections were held under the Red army guns. The Kremlin then claimed that Lithuania voted for inclusion in the Soviet Empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Lithuanians were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were transported to the Arctic Siberia. The people of Lithuania have never experienced such an extermination and annihilation in their long history through centuries as during the last three decades. Since June 15, 1940, Lithuania has lost more than one-fourth of the country's population.

Since the very beginning of Soviet Russian occupation, however, the Lithuanians have waged an intensive fight for freedom. Briefly, during the second part of June of 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country. Freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than 6 weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the Government itself. During the period between 1940 and 1952 alone, more than 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of Lithuania's resistance to Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The persecution of Solzhenitsyn, the clamp on Rostropovich and other dissenters in the Soviet Union received a great deal of publicity in the free world's press. Very well publicized were the Simas Kudirka-Coast Guard tragedy, the hijacking of a Russian jetliner by Brazinskas and his son, death sentences imposed on two Jews and a young Lithuanian, Vytautas Simokaitis, for trying to escape the Communist tyranny. But this is only the tip of the iceberg of desperation of the Soviet empire. In slave labor camps in the Soviet Union many people are still being held. Many dissenters are being confined to psychiatric institutions. It is believed that a brilliant Lithuanian linguist, Dr. Jonas Kazlauskas, 40 years old, was murdered in a psychiatric hospital in Moscow 3 months ago. His only "crime" was that

he had received an invitation to come to the University of Pennsylvania—in Philadelphia, Pa.—as a guest professor for this very spring semester of 1971.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Government of Lithuania. Since June of 1940, when the Soviet Union took over Lithuania, all the Presidents of the United States—Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of Lithuania by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering people of Lithuania to get rid of the Communist regime in their country.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, Estonia, and other captive nations whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The U.S. Congress has made a right step into the right direction by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

Mr. President, I ask unanimous consent that certain documents concerning the adoption of a concurrent resolution on the Baltic States by this body in 1966 be printed in the RECORD.

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

#### HOUSE CONCURRENT RESOLUTION 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its

effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

*Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—*

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

[FROM THE CONGRESSIONAL RECORD, Oct. 22, 1966]

#### CONCURRENT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES TO URGE CERTAIN ACTIONS IN BEHALF OF LITHUANIA, ESTONIA, AND LATVIA

MR. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1573, House Concurrent Resolution 416.

THE PRESIDING OFFICER. The concurrent resolution will be stated.

THE LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 416) to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia.

THE PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

MR. KUCHEL. Mr. President, I wish to say that I am delighted that this matter is being taken up. It deserves attention in this session as a mark of our continuing concern for those peoples who have been deprived of their democratic institutions and are unable to speak for themselves.

THE PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 416) was agreed to.

#### EXECUTIVE POSITION

The position of the executive branch with respect to the concurrent resolution is outlined in the correspondence which follows:

DEPARTMENT OF STATE,  
Washington, June 1, 1965.

HON. THOMAS E. MORGAN,  
Chairman, Committee on Foreign Affairs,  
House of Representatives

DEAR MR. CHAIRMAN: I am writing in reply to your letter of May 20, 1965, to the Secretary of State, requesting the Department's comments on House Concurrent Resolution 416, which has been approved unanimously by the Subcommittee on Europe and ordered favorably reported to the full Committee on Foreign Affairs. The resolution requests the President of the United States to urge certain actions in behalf of Estonia, Latvia, and Lithuania. The language of the resolution, as formulated, is not objected to by the Department of State.

The Department has been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,  
DOUGLAS MACARTHUR II,  
Assistant Secretary for  
Congressional Relations  
(For the Secretary of State).

### AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD, Mr. President, due to a number of factors, public attention is once again focusing on the draft and its inherent inequities. There is still a great deal of debate throughout the country as to the desirability of conscription and deep-rooted questions as to its alternative, an all-volunteer armed force.

Look magazine for February 23 contains an excellent article by J. Robert Moskin in which he discusses many of the issues involved. I ask unanimous consent that it be printed in the RECORD.

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

#### THE DUMP-THE-DRAFT TALK IS DOUBLE-TALK—UNCLE SAM STILL WANTS YOU, KID

(By J. Robert Moskin)

Don't count on the end of the draft when the Selective Service law expires this June. The Pentagon brass and their political allies are ganging up to keep their good old red-white-and-blue draft alive. After 22 years, they are not about to let go. They say they need more draftees for mud-slopping combat jobs. Uncle Sam still wants you, kid.

It's not fair, I suppose, to remember a presidential candidate's promise more than two years after he is elected, but Richard Nixon has not forgotten that on October 17, 1968, he told the nation he would end conscription. He may someday; but now, his National Security Council, Joint Chiefs of Staff, Office of Management and Budget, etc., are all busy figuring how to extend the draft again this spring.

Although Mr. Nixon, as President, has repeated his promise, he has always whiffled on timing. He has pulled 208,000 men out of Vietnam, but he still insists the draft must be renewed. He agrees—in principle—that we can manage with an all-volunteer armed force, but, in fact, he gives the nod to the generals.

Left to themselves, the generals would never dump the draft, and pressure from those who oppose it cannot match the big guns of the Pentagon-political alliance. Sen. John Stennis of Mississippi, the chairman of the crucial Senate Armed Services Committee, believes "the finest thing that can happen to these young men" is to force them to learn close-order drill, KP and rifle firing. And Rep. F. Edward Hébert of Louisiana, chairman of the powerful House Armed Services Committee, says, "I don't think you'll ever have an all-volunteer army. . . . History shows you can't have one . . . a volunteer army is a dream."

The draft's opponents range, surprisingly, from conservative Sen. Barry Goldwater to liberal Sen. Mark Hatfield, and from the right-handed youth group, Young Americans for Freedom, to the left-handed National Council to Repeal the Draft. The White House Conference on Youth is against it. But some kind of miracle would be needed for the opposition to win the coming congressional battle. The Administration and the draft lovers hold the high ground.

Everyone realizes the draft is dangerous for young people and other living things. It has distorted the lives of millions of young men. Since 1965, more than 1.5 million young Americans have been inducted for 24 months service, and countless more have enlisted under the draft's threat. At least 30,000 have gone into exile, hundreds into jail. In Vietnam, an Army draftee's chance of being killed or seriously wounded has been almost twice as high as that of an enlistee. Well over half the Army's enlisted dead have been draftees.

When the Johnson Administration used the Gulf of Tonkin incident to justify its massive

1965 buildup in Vietnam, it made a horrendous mistake—a mistake Nixon has never corrected. It rejected using the nation's military reserves because, being older and being voters, they had too much political clout. Instead, it used the draft law already on the books, increased draft calls and ordered reluctant young men to fight and die.

The decision seemed smart. The youngsters threatened with conscription were unorganized. Who would make a fuss? But this decision tore the nation apart. It was one reason for the violent and impassioned opposition to this war. It helped popularize the peace movement, disrupt the nation's colleges, destroy Lyndon Johnson and put the Republican party in the White House.

Promising to end the draft as soon as the Vietnam involvement allowed it, Candidate Nixon said in 1968, "Today all across our country we face a crisis of confidence. Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men. They ask for justice, and they deserve it." Nixon won the election by just over 500,000 votes out of 73 million; his anti-draft pitch helped.

Hatred of conscription is as old as the nation; uncounted Americans came here to escape European conscription. Only in our own time, the era of the cold "war," the Korean "war" and the Vietnam "war," has the United States accepted a draft without a major, declared war. For most of our history, we have had freedom from conscription. We've lost it.

White House adviser Dr. Martin Anderson, the 34-year-old Dartmouth ROTC graduate who first interested Richard Nixon in the draft problem, says, "The draft is the last vestige of involuntary servitude we have left in the country." He adds, "We don't draft policemen. Why draft people into the armed forces?"

Two months after his inauguration, President Nixon created a special Commission on an All-Volunteer Armed Force to tell him how to end the draft and set up a volunteer armed service. He chose a distinguished group headed by Thomas S. Gates, chairman of the executive committee of the Morgan Guaranty Trust Co. and former Secretary of Defense. It included two former Supreme Allied Commanders in Europe, Gen. Lauris Norstad and Gen. Alfred Gruenther.

The Commission reported to the President last February. Its recommendation was unanimous and crystal-clear: End the draft by July 1, 1971. And create an all-volunteer military force and reserves, primarily by raising the pay of enlisted first-termers and by using manpower efficiently.

The Commission concluded straightaway: "We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective stand-by draft, than by a mixed force of volunteers and conscripts. . . . We have satisfied ourselves that a volunteer force will not jeopardize national security, and we believe it will have a beneficial effect on the military as well as the rest of our society."

Again, President Nixon whiffled. He agreed with his Commission—in principle—but rejected the July 1, 1971, date to end the draft. He has been commanding an armed force of nearly three million and fighting a war for which, he fears, not enough Americans would show up. He said, "No one can predict with precision whether or not, or precisely when, we can end conscription."

Last April, President Nixon promised to recommend to Congress \$2 billion for additional military pay and benefits, especially for those serving their first two years. But this pay raise would not begin until fiscal 1972, after the present draft law expires.

In the civilian bureaucracy of the Pentagon, the Nixon Administration started Proj-

ect Volunteer, to find out how future pay increases should be applied and how to make military life more attractive. Project Volunteer studied 500 ideas and decided better pay, better housing, better educational opportunities, better use of men are among the most serious needs.

Despite the shuddering doubts of many senior uniformed officers, a variety of "radical" experiments are now being tried, and annoying "Mickey Mouse" rules scrapped. Revellie and bed checks are out; beer is permitted in barracks; hair may be worn longer. Belatedly, the Army is trying to clean up its barnyard. For the present generation, it may already be too late. Says Selective Service Director Dr. Curtis W. Tarr, "You could break your back appealing to people who are now 19."

Of course, it is easier to raise an armed force with a draft than to have to make a military career appealing. But we could demand that the generals get off their duffs and to do their job without resorting to the threat of prison for 19-year-olds.

The top Pentagon chiefs have publicly sworn their loyalty to the new ideas, pressed on them by Assistant Secretary for Manpower and Reserve Affairs Roger T. Kelley. "I believe deeply in the all-volunteer concept now. I didn't earlier. A conscripted army has an almost unlimited tolerance for wasting people," Kelley told me. "If you can go to the well as often as you wish, it makes it easy to misuse human resources." He adds, "An all-volunteer organization should be a better-managed organization, a smaller organization and a higher-paid organization than what we have now." But then Kelley does the Pentagon flip-flop and supports the push to renew the draft: "Certainly nothing less than a two-year extension makes sense. From a national-security viewpoint, I'd like to see a longer extension."

The Army, which has the greatest recruiting problem, has appointed Lt. Gen. G. I. Forsythe, a veteran Vietnam commander and University of Montana ROTC graduate, as Special Assistant to the Chief of Staff for the Modern Volunteer Army. Says General Forsythe, "I don't want to get rid of the draft. Neither does General Westmoreland. The draft has to be extended this year. It is inherent in our national value system to have a [draft] law on the books." Others in the Pentagon told me candidly that the military must demonstrate some movement toward an all-volunteer force not so much to end the draft as to make its renewal easier politically.

If one looks at the figures coldly, the draft's value may seem highly exaggerated. The great majority of men on active duty in our armed forces today volunteered. Of the total active-duty force of 2.9 million, only 368,000 are actual draftees. All 900,000 men with more than four years' service are professionals, and so are at least a third of those with fewer than four years. The rest are draftees and draft-induced volunteers.

"True volunteers" (not draft inspired) now total 250,000 a year. To man an all-volunteer force of 2.5 million, only 75,000 more men must volunteer from the qualified 1.5 million who turn 19 each year. And the Administration hopes to be slightly below the 2.5 million force level by mid-'72.

Those who love the draft push more emotional arguments: "I did my time; why shouldn't they?" "It's their duty to their country." "Let's put some of those hippies in uniform." "We can't have our armed forces dependent on blacks and poor." But as Martin Anderson says, when he talks of officers who voice pride in their uniform, "One could ask them: 'Sir, do you think your profession is so bad you have to force people to join it?'"

Those who want to end the draft fought their first pitched battle in Washington's sticky heat last August. Senators Hatfield

and Goldwater combined their disparate forces to try to put the Gates Commission pay recommendations into effect immediately, so that the draft would become unnecessary by June. Senator Stennis, a staunch friend of the military (but then so is ex-Major General Goldwater), manned the ramparts, labeled the proposal "half-baked" and "a picked chicken in a hallstom" and asserted, "I do not buy all of this volunteer-army concept, by any means." The White House and the Pentagon massed behind Chairman Stennis and won the day. The result wasn't close, but 35 senators did vote for the Gates Commission recommendations. Clearly, the fight isn't over yet.

In all the double-talk, there are two phrases to watch carefully. One is "the end of the draft," and the other is "zero draft call." President Nixon uses them interchangeably, but there is a vital difference.

To end the draft means to take away the right of the executive branch to order young men into uniform. This can be done in two ways. One is to repeal the 1948 Selective Service Act, which set up the draft machinery. The Selective Service System, 4,102 local draft boards, the lottery, etc., would all be abolished. Nothing would remain. Senator Hatfield favors this tactic. The other way is for the Congress to refuse to renew the Military Selective Service Act of 1967, which gives the President the power to induct draftees. The Selective Service System would remain, but no one could be drafted after June 30.

Zero draft call is quite another matter. It means that the Selective Service System stays intact, and the President keeps the power to induct young men at will, but he chooses not to draft anyone for a particular month or longer period. (The last time this happened was back in 1961.) If the President decides that draftees are needed, for whatever reason, he has the power to call them up instantly without Congress's approval. For every young man, the threat remains.

Obviously, the zero-draft-call approach would suit the military best. They are candid about that. Secretary of Defense Melvin Laird has said U.S. troops will not be in ground combat after this summer, but he still sees July 1, 1973—nearly two and a half years from now—as the "goal" for getting draft calls down to zero. That is far enough into the future to be pie in the sky—and on the safe side of the next presidential election.

The congressional battle this spring will be fought furiously on three fronts: 1) draft reform, 2) renewal of the President's power to induct draftees and 3) a money package for an all-volunteer force.

#### DRAFT REFORM

President Nixon has already tried to make the draft fairer. He set up the lottery and stopped deferments for reasons of occupation, fatherhood and most graduate study. Now he wants Congress to wipe out deferments for future undergraduate students.

If undergraduate deferments are eliminated, a college student with a low lottery number would be called up in his sophomore or junior year. There is no plan to hold the lottery so that a young man gets a number when he is 16 or 17 and, if he draws a low one, can do his military service before starting college. Selective Service Director Tarr, himself a former college president, says, "I don't think it hurts to interrupt a college education."

A Pentagon official told me, "You have a lot of people in universities who want to avoid the draft. A lot of trouble on campuses comes from these people." Tarr, who favors ending the undergraduate deferment, says, "I think we're going to get it."

But draft reform won't solve the basic problem because the military can take a

scant fraction of the young men available. Only 163,500 were inducted last year, and even fewer are supposed to be drafted in 1971.

Those who want to avoid the draft have grown sophisticated. They now find escape hatches in the regulations for physical standards for induction. They avoid the draft with such relatively minor defects as braces on their teeth, asthma, acne, high blood pressure or a nervous stomach. One draft official admitted, "If a guy wants to strongly enough and has time and money, he can get around the draft." As Candidate Nixon said two years ago, "In the long run, the only way to stop the inequities is to stop using the system. It does not work fairly, and given the facts of American life, it just can't."

#### THE PRESIDENT'S INDUCTION POWER

That this battle comes in an odd-numbered year is no accident. No President or congressman wants to renew the draft in an election year.

Earnest draft lovers prefer to extend the induction authority for four more years. They will probably have to settle for two years—or for one, if we will really get out of ground combat in Vietnam this summer.

The alternative to renewing the President's induction authority is by definition, an all-volunteer military. All the arguments against a voluntary force will be dragged out again now. "It exposes the brave, the foolhardy, the patriotic, the poor/black. It favors the non-venturesome, the ungrateful and the well-to-do." Gen. Maxwell Taylor, former chairman of the joint Chiefs of Staff, told me.

It is charged that an all-volunteer force will attract too many blacks and poor. The Gates Commission studied this accusation and decided it was not true. The military seem to agree, because, they say, many poorly educated blacks cannot meet the military's mental standards.

Some fear a volunteer force will create a military class. But most enlisted men today, plus the vast majority of officers, are "true volunteers" already. Drafting reluctant privates will not prevent the rise of a military elite. That has to be done by civilian control at the top.

The Army's toughest job is to find 5,000 enlisted men a month for combat jobs; only 800 now volunteer. As a result, 88 percent of the infantry riflemen in Vietnam for the last couple of years have been draftees. The Army would like to give fat bonuses to men who volunteer for combat specialties, but it has run into heavy resistance from the Air Force and Navy, which must compete for such men.

The entire draft issue separates those who prize duty to the state above all and those who give priority to individual freedom, the freedom to organize your life as you see fit. Some certified liberals, rather surprisingly, oppose the all-volunteer idea. Sen. Edward Kennedy, for one, believes every young man should be liable to be drafted to fight for the nation.

The trickiest ground is in the middle, where President Nixon stands, supporting the all-volunteer idea in principle but repeatedly stalling on putting it into action. Randal Teague, the 26-year-old executive director of the conservative Young Americans for Freedom, says, "A lot of our people are very disenchanted. Nixon made this a major campaign promise to get the youth vote. In all honesty, I wonder if President Nixon really wants a volunteer military."

The reasons for Nixon's distress are easy to spot. Politically, the draft and the war it supports are vastly unpopular. And now with 18-to-20-year-olds able to vote in national elections, opponents of the draft will be reinforced. Nixon also inherited world-

wide military commitments; 300,000 uniformed men still in Europe as part of an obsolete NATO commitment; 53,000 men in Korea nearly 18 years after that armistice; the prospect of keeping at least some forces in Vietnam indefinitely, and a military establishment grown accustomed to \$75 billion budgets.

There is a theory that if a nation has a large standing army, it is tempted to use it. The Vietnam war suggests this is true. Two years from now, as draft calls decrease with our piecemeal withdrawal from Indochina, the odds are that effective opposition will be defused and the conscription law will stay on the books, ready for some future President to use again. And one lesson from Vietnam will have been lost.

#### THE PAY PACKAGE

The double-talk over the cost of the draft versus an all-volunteer force is shrill. End-the-draft advocates argue that an all-volunteer force will actually save the country money. Pro-draft partisans shoot out figures as high as \$17 billion for the cost of a volunteer force over a mixed force that includes draftees. The Gates Commission figured that an all-volunteer force of 2.5 million would cost about \$3 billion extra initially. Pentagon insiders say privately that the Gates estimate is very close to accurate.

The pay debate centers about a simple idea. Draftees and new enlistees are paid very little, and as long as draftees are available by just whistling, there is no need to pay them more. This keeps the budget down, but it means that enlisted men must pay for part of our standing army out of their own hides. Within the past year, 50,000 married young men in uniform were, shockingly, on relief.

The Gates Commission argued that a recruit should be paid something closer to what he would earn in civilian life (and extra if he is assigned to risk his life against an enemy). This sounds reasonable and fair. The additional cost would have to be carried by the taxpayers, but the slower turnover of volunteers, compared to draftees, would mean lower recruiting and training costs and a more skilled and efficient armed force.

In his new book, *The Military Establishment*, former Special Assistant Secretary of Defense Adam Yarmolinsky says: "No other institution, private or public, is now authorized to use compulsory processes to make up its manpower deficit. . . . The United States has experienced and is experiencing critical shortages of health services personnel, teachers and teachers' aides, and police officers. . . . But the nation has never assumed a responsibility for ensuring that these shortages are met."

In the end, the two strongest arguments for the draft don't hold up. First, the military claim they cannot attract enough volunteers. One thing is certain: They never will as long as the draft is around. You can bet on that. And second, an all-volunteer force will cost the taxpayer more. If the nation needs these young men—and is not fighting for its own survival—the nation should pay them a decent wage for the job they do.

Money will be loudly debated in the coming battle over the draft, but it is not the heart of the problem. If we are going to let our military establishment spend \$60 to \$75 billion a year, we can find the five or six percent of that sum needed to pay our youngest volunteers properly—if we want to.

The real heart of the problem is whether we now truly want a conscripted standing military force or whether the draft is demanding a human price of compulsion and disruption that we do not want to keep on paying. Today, we neither need—nor can afford—conscription if this nation is to be both secure and free.

### THE PRESIDENT'S SIX-POINT PROGRAM

Mr. MATHIAS. Mr. President, there has been much praise for President Nixon's far-sighted six-point program, which he set forth in his State of the Union message last week.

I am especially pleased to see that the National Association of Counties has recently applauded the President—and conspicuously so—in a full page announcement in the Washington Post. This bipartisan group, which represents more than 200,000 county officials across the Nation, is to be commended for its continued recognition of the need for welfare reform and revenue sharing.

If we are to alleviate the desperate financial condition of our State and local governments, if we are to revitalize our present welfare system which, clearly, is morally and financially bankrupt, it will be invaluable to have the active and energetic support of the National Association of Counties.

All Members of Congress, I think, will be interested to read the bold proclamation of their endorsement. I am, therefore, pleased to ask unanimous consent that the association's announcement, from the Washington Post of January 25, 1971, be printed in the RECORD.

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

#### ANNOUNCEMENT

The National Association of Counties thanks you, Mr. President.

In your State of the Union message you rekindled a dream that is worthy of the best effort of each of us when you said: "Millions of frustrated young Americans today are crying out—asking not what will government do for me, but what I can I do, how can I contribute, how can I matter?"

"Let us answer them. To them and to all Americans, let us say: 'We hear you and we will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life of your whole community.'"

The 20,000 county officials who are members of the National Association of Counties (NACO) want to give their very best to make the dream a reality and we pledge the following:

1. Revenue Sharing Jet-Ins. This week NACO is opening its efforts in the support of Revenue Sharing by covering the entire country with a series of 4 one-day airport rallies. These are meetings of public officials and news media to dramatize the critical financial condition of our state and local governments and the urgent need to support your truly imaginative revenue sharing proposals. These Jet-Ins are as follows:

Wednesday, January 27, 1971: Atlanta Airport (Holiday Inn), keynoted by Vice President Spiro T. Agnew.

Wednesday, January 27, 1971: Kansas City, Missouri Airport (Prom Sheraton), keynoted by Vice President Spiro T. Agnew.

Friday, January 29, 1971: San Francisco Airport (Hilton Airport Inn), keynoted by Governor Daniel Evans.

Friday, January 29, 1971: Cleveland, Ohio Airport (Sheraton-Hopkins Motel), keynoted by Governor Richard Ogilvie.

2. Welfare Reform. In the last session of Congress, county officials vigorously sup-

ported your Family Assistance Plan. We made a determined effort to persuade the Congress that the present welfare system was financially and morally bankrupt. We are delighted that the first bill introduced in the House of Representatives is H.R. 1—a welfare reform measure. We are pleased that the highly respected Representatives Wilbur D. Mills, Democrat of Arkansas, and John W. Byrnes, Republican of Wisconsin, have given this legislative top priority in the House Ways and Means Committee.

3. Modernization of County Government. County officials knew that many of our local governments have fallen behind the times. They are in need of overhaul and modernization of the type that we have witnessed in recent months in Prince George's County and Montgomery County, Maryland. NACO, through its Research Foundation has established a "New County—USA" central clearing house and advisory center on local reorganization. Information from this center is already being used by 300 counties where citizens are accepting your challenge to make their institutions responsive to their needs.

Mr. President, we want to publicly pledge to you, the Congress and our fellow Americans our support to make your big dream a reality.

Respectfully yours,

CLESSON Y. CHIKASUYE,

President.

BERNARD F. HILLENBRAND,

Executive Director.

(National Association of Counties, 1001 Connecticut Avenue, N.W., Washington, D.C. 20036.)

### THE TIME IS NOW TO CONTROL THE "SPEED" DRUGS

Mr. MCINTYRE. Mr. President, I am pleased once again to join with the distinguished Senator from Missouri (Mr. EAGLETON) and others in introducing the bill, S. 674, to put tighter controls on amphetamines, the drugs commonly known as "speed."

The call for action is becoming increasingly clear with revelations that have been appearing in the Nation's press in recent days and weeks. I was particularly interested in an article published in the Wall Street Journal on last Friday. The article points up the manner in which apparent illicit operations are being organized to produce "speed" drugs by so-called pillars of the community.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed at this point in the RECORD.

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

#### THE TRIP BUSINESS—ILLEGAL DRUGS INCREASE AS "RESPECTABLE" TYPES DISCOVER MONEY IN PILLS

(By Richard A. Shaffer)

In Charleston, W. Va., they used to think of Robert A. Frame, Jr., as a nice, bright boy who worked hard and had made good.

At military school he was an honor student. He made Phi Beta Kappa at West Virginia University in Morgantown. He graduated first in his class while working part-time and serving as yearbook photographer. At Massachusetts Institute of Technology he earned a Ph. D. in chemistry. And after a promising career in research at Eastman Kodak he started a successful business of his own near Phoenix, processing color film.

But, as it turned out, that wasn't his only business. One day Federal agents raided his garage and found a secret, well-equipped laboratory and \$672,000 of methampheta-

mine, one of the powerful stimulants that drug users call "speed" or "crystal." Mr. Frame—a quiet, 36-year-old, churchgoing bachelor who had never been in trouble before—was sentenced to five years in prison after being convicted on charges of illegally manufacturing and selling dangerous drugs.

#### A TOUGHER JOB FOR POLICE

Mr. Frame's case, which is on appeal, is an extreme example—but not an isolated one. Authorities say more and more sophisticated operators are entering the drug-production business, making it more difficult for law-enforcement officials to curb illegal drugs and sharply increasing the output of such products. Until recently, stimulant and psychedelic drugs were illicitly brewed only in small batches on make-shift equipment, often by hippies for themselves and their friends. But lately an increasing proportion of the supply is spewing from better-equipped laboratories, operated by persons of all callings bent solely on turning a fast buck.

Unlike the hit-or-miss amateur, who often had little knowledge of chemistry and clumsily drew attention to himself after sampling his own wares, the newer and more sophisticated drug producers tend to cleverly conceal their operations. Such operators, lured into the business by huge profits, usually pass easily as successful business or professional people—which they sometimes are.

The bootlegger of psychedelic or stimulant drugs is seldom a heavy in the professional underworld; frequently he hasn't had any prior brush with the law. And his drug factory, instead of being in a rundown neighborhood, now is often in an urban store or in an expensive home in a good section of town.

#### THE DAY THE GRASS TURNED BROWN

In Denver a major drug mill was discovered by chance when the landlord noticed that the lawn of one of the homes he rented out was turning brown. No one answered the door when he went to complain. And he detected "a kind of sweet, rotten smell," which convinced police that the tenants must be dead. But it wasn't the odor of bodies. The basement of the house concealed an elaborate laboratory for making LSD and STP, another psychedelic drug. The entire water system of the house, including the lawn-sprinkler pipes, had been diverted to supply the lab.

The operators were so well-organized that they kept a detailed notebook record of every batch of drugs made and even had a system providing for the regular reordering of supplies. It took seven truckloads to haul away the 300 beakers, bell jars, condensers and other pieces of lab equipment from what one narcotics agent called "one of the most high-class, businesslike operations we ever ran across."

One person convicted in the case was a 28-year-old chemistry graduate of the University of California with an apparently impeccable background. An alleged associate, awaiting trial, is described by friends as an electronics genius who holds several valuable patents on products he designed, although he is only 26.

In Santa Monica, Calif., Federal authorities say chemists at a supposed cancer-research center were manufacturing large quantities of the drug PCP, or phencyclidine hydrochloride. The drug was being shipped to a warehouse in Berkeley, where it was pressed into tablets on a \$4,500 machine capable of turning out 80,000 an hour, the officials say.

#### LSD SUPPLIES UP, PRICES DOWN

Officials are clearly worried by the trend. "The clandestine-laboratory problem is definitely getting worse," says Robert N. Hinds,

a Washington supervisor in the Federal Bureau of Narcotics and Dangerous Drugs.

It's already severe, as a look at LSD shows. Over the past four years, the proportion of college students who have tried LSD has soared to one in seven from one in 100, according to Gallup Polls. And it is clear that nearly all the LSD they tried came from underground labs; the drug hasn't been legally made in this country since 1966, and customs officials say smuggling is rare. In fact, these flourishing labs have become so productive that despite heavy demand, the price of an LSD tablet has fallen to about 50 cents in most parts of the country from about \$5 a few years ago.

Federal undercover agents used to consider 500 LSD tablets a major wholesale purchase. Now huge quantities are available in nearly every major city, and 10 times that number can easily be bought from almost any retailer of illicit drugs.

The use of tablets in itself provides one measure of the important role that fancier labs play. No street dealer would sell 5,000 doses at a time if he had to drop the LSD on the once commonly used sugar cubes, which crumble when handled in bulk. So most producers have turned to tablets, often made on machines whose cost is beyond the reach of most amateurs.

The Government, which identifies these machines by the markings they leave on the tablets, believes the number in the hands of drug bootleggers has grown to perhaps as many as 100 from none just a few years ago. An exact count is impossible because some machines can simultaneously press 16 tablets with different sets of markings.

The production of such other popular psychedelics as STP, DMT and psilocybin is also becoming more commercialized as the output moves from the prophets of inner awareness, who once made them for their own use, to those whose awareness is attuned to profits. There's a similar story with the stimulants, except in this case the impact of clandestine production is less easily gauged; at least half the black-market pills originally come from legitimate drug manufacturers.

To illustrate the profits available in the illicit drug business, consider the case of Richard Bennetto. A friend describes him as "a knockabout guy who never even finished high school." Before he was 30, Bennetto was making \$300,000 a year.

It was quite a life—while it lasted. He wore expensive clothes and dined in the best restaurants, where he treated dozens of friends at a time to fancy meals. "He always had plenty of fast cars and women around," one friend recalls.

It took two years for authorities to discover that his insecticide and dye-manufacturing business was only a front. The real source of his income was a bit different—methamphetamine.

Bennetto, who once served time for receiving stolen property, opened shop in his mother-in-law's basement with an initial investment of less than \$200 in equipment and chemicals. It wasn't long before his labs—located in several San Francisco apartments—were producing a pound of the drug every few days, he told a Congressional investigating committee. It cost him \$50 to produce a pound; he sold it to dealers for \$1,600.

Bennetto now is serving an "Indeterminate" sentence in California for possession of dangerous drugs.

#### A PROBLEM OF QUALITY CONTROL

Drug experts say many of the proliferating new commercial operations turn out a safer, more sanitary product. But such operations still aren't producing a high enough proportion of illicit drugs to significantly improve the quality of the product most drug users are buying. "A really good product no sooner hits the street than a dozen inferior imita-

tions come along," says Dr. Eugene Schoenfeld, a Berkeley physician who writes a hip syndicated newspaper column on drugs, sex and nutrition. Although the ratio is changing, perhaps rapidly, most illicit drugs are still made haphazardly in sleazy shops, the drug experts say.

Larvin Cahn, a San Francisco attorney who has defended several accused makers of illegal drugs, says many producers are "such idiots that I wouldn't trust them to wash my car." He maintains that "poor quality-control is probably what causes a great deal of the physical and psychological damage done by these drugs, rather than the drug itself."

Chemists have found rat poison in LSD. Most of what is sold as mescaline—and almost all synthetic THC, the active ingredient in marijuana—is only a veterinary tranquilizer. And some liquid methamphetamine contains a large amount of urine. Not long ago a youth in Boulder, Colo., purchased some powdered methamphetamine but said he found it impossible to inject. The drug had been so adulterated with cornstarch that it quickly turned to jelly when mixed with water and heated.

#### GOVERNMENT INCREASES ITS ATTACK

The Federal Narcotics Bureau is enlarging its attack on illegal production of drugs, putting more agents with broader powers on the job. But it concedes that the task is awesome. No one knows for sure how many underground drug mills exist or what their output is.

Because of a Comprehensive Drug Abuse Prevention and Control Act that takes effect next May, Federal narcotics agents for the first time will be able to serve search warrants on drug labs at night, when most manufacturing takes place. At present raids can only be staged in daylight, and agents often find that the drugs have already been shipped out or haven't yet been made, leaving them with flimsy evidence.

The law also gives the Attorney General the power to control the sale and production of what are called the immediate precursors of a dangerous drug—that is, the principal ingredients most commonly used to manufacture it.

Despite the new law's relaxation on drug raids, agents first must find a lab in order to raid it. And that's becoming more difficult. The larger the lab the more money operators invest in hiding it. The problem has become so acute that the Government is financing the design of special airborne equipment to detect labs from the sky. Agents would use the same remote sensing techniques that have already proved useful in locating guerrillas in Vietnam and in sampling the atmosphere of other planets.

Mr. McINTYRE. Mr. President I was disappointed that the bill, even though passed by the Senate on October 7, 1970, by a vote of 40 to 16 as an amendment to other legislation, was dropped along with other important measures in the Conference on the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Amphetamines do have a minor place in health care. They are useful in the treatment of narcolepsy, a rare sleeping sickness, and they have some usefulness in the treatment of obesity.

There is misuse of these drugs to stay awake while driving, during study for exams, and at other times when there is a desire to avoid sleep. These drugs are even used, according to some reports, to pep up participants in athletic contests. This sort of misuse is sometimes dangerous but it is not the real problem which exists with "speeds."

Mr. President the real abuse is the misuse that is being made of this drug by the swallowing of handfuls of the pills, the so-called snorting of the drug in powder form, and its injection in the vein in the form of solution. Experts say that the progression of use is from swallowing, to snorting or sniffing, to intravenous injection. The drug most frequently used in this country for this purpose is methamphetamine—speed, crystal, and meth.

Experts also report that the continued use of amphetamines in large doses is physically addicting, meaning that tolerance builds up and definite withdrawal symptoms occur when the drug is discontinued.

There are many examples of the horror of misuse of amphetamines. The user faces panic, paranoid states, malnutrition, and prolonged nervous breakdowns. Infections occur in many instances. It has even been demonstrated in animals that prolonged use of the amphetamines over a long period of time may lead to brain cell damages.

As I stated on the floor of the Senate last year, Representative CLAUDE PEPPER, of Florida, who has done such a brilliant job of studying drugs as a part of his work as chairman of the Select Committee on Crime in the House of Representatives, reported:

In our hearings in San Francisco, there were 13 bins of amphetamines somewhat like Benzedrine, as I recall, that had 1,200,000 of these pills in the bins, and they were consigned by a manufacturer in Chicago to a consignee in Tijuana, Mexico. The Federal Bureau of Narcotics and Dangerous Drugs acting on information furnished by our committee staff checked up on it, and they found that the address of the so-called consignee was the 11th hole of the golf course in Tijuana and that a customs broker had diverted these amphetamines at the border into the black market.

This kind of example, which has recently been highlighted again in the press, makes it clear that existing controls such as now practiced are inadequate. It is evident that the present system of controls places the major risk, pain, and financial burden of amphetamines on the consumer.

In addition, those who do not use drugs must be taxed to control the social disruption resulting from this drug abuse.

Mr. President, I urge that the Senate act swiftly. Every day new evidences are unearthed of the need to more tightly control the "speed" drugs if we are to win the battle against drug abuse.

#### HARRY F. KELLY, FORMER MICHIGAN GOVERNOR, A GREAT AMERICAN

Mr. GRIFFIN. Mr. President, I was saddened today by the news of the death of one of Michigan's most distinguished sons.

Harry F. Kelly, jurist, former Governor and a great statesman of Michigan died last evening at the age of 75.

Mr. Kelly served his State for 4 years as its chief executive. Prior to that he served as Michigan secretary of state and as an assistant Wayne County prosecutor. For 17 years he was a member of the State Supreme Court.

Mr. Kelly retired from the bench just 6 weeks ago—after spending virtually his entire adult life serving the people of our State.

Last Friday evening Governor Kelly suffered a massive stroke in West Palm Beach, Fla., where he was spending his short-lived retirement. He died last evening.

I know, Mr. President, that Harry Kelly will be missed by his many friends, but his absence will be most keenly felt by the people of Michigan.

Mrs. Griffin and I extend our deepest sympathies to the surviving members of his family.

#### A PLEA FOR JUSTICE FOR THE PEOPLE IN THE HOLY LAND

Mr. HATFIELD. Mr. President, on the evening of January 27, 1971, an historic event occurred at the Washington Cathedral. A meeting focusing on the human suffering in that troubled part of the world was held with more than 1,000 people attending. Among those sponsoring the event, besides myself, included the Reverend—and Chairman—Edward L. R. Elson, Senator HENRY BELLMON, Rabbi Elmer Berger, Eugene Black, Erwin D. Canham, Dr. Andrew Cordier, Dr. Gerald Dorman, His Eminence Archbishop Iakovos, Reverend Frederick Meek, Msgr. John G. Nolan, Dr. Mohammed Abdu El-Rauf, Reverend Joseph Ryan, Most Reverend Philip Saliba, the Very Rev. Francis B. Sayre, the Most Reverend Edward E. Swanson, Dr. Cynthia Wedel, and Dr. Paul Dudley White. It was an historic occasion in many ways. Essentially, however, it marked the first organized and public expression of concern in the United States for the plight of the people of the Holy Land, particularly the Palestinians. Numerous statements were read and delivered that evening. Among those speaking were Miss Nomi Erteschik, an Israeli working on her Ph. D. in linguistics at MIT, and Dr. John Davis, former Commissioner General of the United Nations Relief and Works Agency.

Mr. President, I ask unanimous consent that the addresses of these two individuals be printed in the RECORD.

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

##### STATEMENT BY MISS NOMI ERTESCHIK

As an Israeli I am happy to participate in this plea for social and national emancipation of the Palestinians. The Palestinian people are an essential party in any future negotiations concerning the Middle East and in particular the future of Palestine. The Rogers Plan or other Great Power formulas are not viable because they side-step the inalienable rights of the Palestinians. There is an ultimate contradiction between the interests of the United States and the Soviet Union on the one hand and the needs of the people of the Middle East on the other. As long as the United States and Soviet imperialist forces take part in and dominate the peace talks because they find it profitable, the people of the Middle East will not find it so.

The emancipation of the Palestinians runs counter not only to the interests of the Great Powers but also to the interests of

the Arab governments and the Zionist government of Israel. The governing principle of Zionist Israel is the idea of an exclusively Jewish state. As long as this principle holds, the return of the Palestinians to their homeland will continue to be blocked by Israel. The conclusion is obvious: either there will continue to be an exclusively Jewish state which by its nature discriminates against non-Jews and insures permanent conflict with the Palestinians, or the Israeli people will come to the realization that some kind of co-existence with the Palestinians is essential to peace in the Middle East.

The Palestinians are also a cause of anxiety within the Arab regimes as well, since Arab governments take advantage of anti-Israeli propaganda, into which mass discontent and pressure are channelled. These Arab regimes would do anything to stifle the Palestinian revolutionary forces because their social liberation will trigger a series of social transformations in the Middle East which will threaten the interests of the established class.

No solution to the Palestine problem which does not acknowledge the demand of the Palestinians to return to their homeland and to be able to live anywhere in Palestine with equal social and political rights is viable for the people of the Middle East. The solutions endorsed by the Great Powers and their allies in the area do not fulfill this requirement. None of the parties participating in the Peace Discussions have up to now shown any genuine concern for the rights of the Palestinians because they are apprehensive of the Middle East revolution which the Palestinians advocate. Therefore I cannot see how peace talks conducted in such an atmosphere even including Palestinian delegates, could solve the conflict.

As an Israeli I remain convinced that social and national emancipation of the Palestinians does not endanger the welfare of the Israelis.

The final territorial and political arrangements should be freely negotiated by the two parties concerned—the Israelis and the Palestinians—in the framework of the mutual recognition of the right of both groups to self-determination in Palestine.

#### AN APPEAL TO AMERICANS FOR JUSTICE FOR PEOPLE OF THE HOLY LAND

(By Dr. John H. Davis)

Conflict continues in the Middle East, year after year, because year after year a fundamental element of discord goes unresolved. This element of discord is the festering plight of the Palestinian people, both Moslems and Christians.

The creation of the state of Israel brought catastrophe to most of the native Arabs of Palestine. More recent events have made their plight still worse. Today, three million Palestinian Arabs exist as a people without a country.

The world community of nations has taken note of this tragedy on many occasions, through action in the United Nations. Among the basic resolutions passed there are those calling for repatriation and compensation for refugees, creating a Palestine conciliation commission and setting up an agency to administer relief (UNRWA). The resolution calling for repatriation and compensation has been reaffirmed some twenty-three times but never implemented. Peace efforts have been launched one after another, but all to no avail. The support of UNRWA has always been meager, about ten cents per refugee per day, and this year the agency faces a 6 million dollar deficit. Unless this deficit is met, UNRWA must drastically cut its relief services. This will mean increased suffering for the refugees. It will mean closing schools and vocational training centers. This closing of schools will shut the door of opportunity to maturing refugee youth.

In the absence of peace, bitterness gets deeper, armaments get bigger, and the great powers become more and more involved and in a way that makes the danger of a holocaust ever more menacing. All of this transpires because neither the great powers or the world community of nations will face the fact that three million Palestinian Arabs have been made a people without a country. They still live as refugees, or exiles, or subjects under occupation, or as citizens of a country that restricts their rights and opportunities. This is the source of Arab bitterness. This is the fuel of hatred that feeds the flames of conflict.

It is time now to declare categorically that the Palestinian Arabs have been and are victims of grave injustice. It is time now to do something about it.

Today a new peace effort is under way. Its plan is to engage the Arab states that border on Israel, particularly the United Arab Republic and Jordan, in discussions with Israel. But what about the Palestinian Arabs? Should not the voice of these three million human beings be heard? It is not right, it is not just, that their voices be muffled in peace talks since it is their destiny that now hangs in the balance. The grievances of the Palestinian Arabs must be made a substantive item on the agenda.

You may ask, but who will speak for the Palestinian Arabs? All I can say is that this is part of the puzzle that statesmen must resolve. The starting point on the road to peace must be a search for a way to give the Palestinian Arabs a voice in the peace talks. To deny them a voice there just because they do not now have a government of their own is to silence the voices of our own past—voices such as Patrick Henry's whose "Give me liberty or give me death" is emblazoned on the soul of America. Having been made a people without a country, how could the Palestinian Arabs now have a government of their own?

This brings us now to the fundamental question, should the Palestinian Arabs have a country of their own? Why not let the Palestinian Arabs speak for themselves on this subject, by exercising the right of self-determination—a principle that the United States has championed for years. Admittedly, this will not be easy to do while the Palestinians are scattered as they now are. Let us place this subject high on the peace agenda for the purpose of finding a way by which they can decide this issue for themselves.

The status of the City of Jerusalem is another crucial item. This city is sacred to Jews, Christians, and Moslems. The annexation of Arab Jerusalem by Israel denies most Moslems and most Arab Christians access to the holy places of their faith, thereby feeding the fires of discontent. Only bitterness and war can be kindled from these flames.

What about the rights of refugees to repatriation and to compensation for loss of home or farm and homeland? Here we are talking about human rights that are absolutely basic. We are talking about the right of man to have a home and to have a country and to be secure within them. We are discussing the right of a people to self-determination; the right of a people to be free.

These basic human rights must be high on any peace agenda and until grievances pertaining to them have been justly resolved, lesser items and talk of signing peace agreements must wait. This is simply a matter of putting first things first and any peace effort that fails to do this will be foredoomed before it starts. If you doubt this, look at the array of wrecked peace efforts in the Middle East that clutter the record of the past twenty-three years, none of which put first things first.

But you may ask, what will all of this do to the state of Israel? Will not a settlement

of valid Arab claims place heavy burden on Israel, even to the point of compromising her very status as an exclusive state for the Jewish people? This may be so. However, to the extent that Arab claims are just, this is the price that Israel must be prepared to pay for enduring peace. The Palestinian people were in Palestine centuries before Israel was created.

At the heart of the tragedy of the Palestinian Arabs is the hard fact that there is no place in Israel for Arabs in large numbers. Israel is a Jewish state and in keeping with this role she has given preference to Jews over non-Jews, even those born native to the land she now governs. Yes, even to the point of making refugees and exiles of most of the native Arabs. This is why there is a refugee problem. This is why it persists. The Arabs have not accepted this state of affairs, nor should they be required to do so now.

This, in brief, is the background of our plea for justice tonight.

The present peace effort, referred to as the Rogers' Plan, is founded on a resolution of the Security Council. It has been accepted in principle by both Israel and leading Arab states. This is good so far as it goes but the Rogers' Plan has one great weakness that may prove to be a fatal flaw. It does not contain adequate provisions for the Palestinian Arabs. It does not assure them of justice. It does not invite them to the peace talks, which may determine their very future.

This flaw MUST be corrected if the Rogers' Plan is to succeed. In accordance with the richness of American traditions and in support of the spirit and the letter of the Charter of the United Nations, we must recognize that the people of Palestine are entitled to equal rights and to self-determination. We must further recognize the unalienable rights of the people of Palestine as an indispensable element in the establishment of a just and lasting peace in the Middle East. Let America now take the lead in this direction. This we plead in the name of justice for the oppressed people of the Holy Land.

#### A NEW APPROACH TO PESTICIDES

Mr. HUMPHREY. Mr. President, we are faced with irrefutable evidence of the dangers posed by too many years of laxity in the control and use of pesticides in this country.

The evidence is in the earth we live and grow our food on, the water we drink, the air we breathe.

It threatens our very survival.

I am not being dramatic. I am being very frank. If anything, I may be understating the problem.

The present law governing the manufacture, sale and use of pesticides in the United States has become a farce.

It is so full of loopholes that it lets through more than enough of these dangerous poisons to choke us all with an uninterrupted flow of banned pesticides.

The time has come to strike this law from the books and replace it with one that will deal forcefully with the threats posed by the misuse, abuse and overuse of pesticides.

We cannot afford to wait much longer.

That is why I am joining with the distinguished Senator from Wisconsin (Mr. NELSON) in cosponsoring legislation to amend the Federal Insecticide, Fungicide and Rodenticide Act of 1947, including changing its title to the National Pesticide Control and Protection Act.

According to the Food and Drug Administration, at least 800 to 1,000 peo-

ple die each year from pesticide poisoning and another 80,000 to 90,000 people are injured from these chemicals.

But worse than that is the slow but increasing number of human deaths caused by carcinogenic, mutagenic, and teratogenic effects of chemicals like DDT or 2,4,5-T after a lifetime of exposure.

In addition, there is the deadly threat to wildlife, fish and the overall quality of the environment. Evidence of the damage caused by some pesticides has been found on the polar ice caps and in the upper reaches of the atmosphere.

This is no longer a regional problem. It is not smog in the cities and pesticides in the country. This is a national—really, an international—problem, and it demands a new approach.

A new approach to the regulation of pesticides and pest control devices.

A new approach to the testing, registering, canceling and suspending of these products, with the emphasis on protecting public health and the environment.

A new approach to the way these products are sold and used, with attention given to having the purchaser justify the need and the safety of his planned use.

A new approach that emphasizes research to make chemical pesticides safer and to find biological and nonchemical alternatives.

An important element of this new approach is the transfer of authority for pesticide regulation from the Agriculture Department to the new Environmental Protection Agency.

There are those who would tell you that the movement to control the use of pesticides, insecticides, rodenticides, fungicides and herbicides is based more on emotion and politics than on solid scientific fact.

Do not believe it. The facts are there. And they are frightening.

I say to the farmer, do not be short-sighted. Do not just think about today.

Just as the farmer learned about crop rotation as a method of preventing depletion of the soil and a way to make his land more productive, he is learning that he cannot continue to spray all kinds of poisons on his land and on his crops and not expect to pay the price.

Surely, in the short run pesticides increase production. But what about the long run? How much longer can we drench the world indiscriminately with these chemical killers?

And yet pesticides are an extremely important tool of agriculture.

The proposed legislation goes farther than the very vital need for more effective regulation of pesticides. It provides for research into safer and better methods of doing the job and it offers hope for a healthier future.

It is in the best interest of agriculture and all Americans that the bill become law.

#### SEVEN HUNDRED AND NINE FEWER FLIGHTS BY AIRLINES IN UNITED STATES IN 1970 THAN IN 1969, AND STILL DROPPING

Mr. RANDOLPH. Mr. President, airline scheduled departures from the 590

airports in the United States receiving commercial service were 709 fewer in 1970 than in 1969, with the situation growing worse in 1971. That is the burden of official testimony by air transport industry spokesmen.

Modest shrinkage in airline service to West Virginia airports has not been worse than the national experience, I note in studying the statistics and problems presented by spokesmen for the airlines.

In fact, a leading spokesman for the industry testified that recent cutbacks in airline schedules are the first danger signals of shrinking service still to come all over the United States unless airline earnings are restored quickly.

The cutbacks in the number of flights operated by the scheduled airlines are reducing revenues at all but the very largest metropolitan airports. Even the country's top 20 air passenger markets operated approximately 140 fewer daily nonstop flights last year than they did in 1969. Such major hub centers as Cleveland lost 18, and will lose more after March 2; Detroit's loss was 40 and within another month will be approximately 54 less than a year ago; and Kansas City is being served by a dozen fewer nonstop flights. Even Miami has felt the shrinkage—even in a time of winter traffic.

The experience of cities with nonstop flight losses is bad enough, but the bulk of the decline in airline scheduled departures is in short-haul service heretofore provided by trunkline carriers—flights such as United's Charleston-Pittsburgh and Eastern's Charleston-Huntington-Lexington-Louisville.

In spite of its importance to northern Ohio, shrinking airline schedules and shortages of passengers caused by the slumping economy have hit the regional airport at Akron-Canton. Eastern Airlines, which has been operating two trips daily out of Akron-Canton Airport, has filed an application with the Civil Aeronautics Board to discontinue serving that regional airport. Eastern Airlines has been given some new long-haul routes and seems to be anxious, like other trunkline carriers, to curtail short-haul service. With most of the trunk airlines losing money, these cutbacks are understandable.

#### THE INCREASING COSTS OF MEDICAL CARE

Mr. HARRIS. Mr. President, much has been said in the past several months concerning the increasing costs of medical care. This problem has reached such a magnitude, that no one now questions the need to provide a better means for the average American citizen to finance his health care.

While the difficulties of the average American to finance his health care are well known, the equally difficult financial problems facing most of our hospitals are not as well known. In Oklahoma alone, 38 hospitals have been closed since 1966. In the rural areas of other States, similar financial difficulties have been experienced. As a result, many Americans in rural areas are without adequate health facilities.

I believe it is the responsibility of this Congress to give full consideration to ways of meeting the financial needs of the Nation's hospitals.

I, and other members of the Oklahoma delegation, recently met here in Washington with representatives of the Oklahoma Hospital Association to discuss possible solutions of their financial problems. We discussed the reimbursement formulas of medicare and medicaid, a cost containment demonstration project that has been proposed to the Department of Health, Education, and Welfare by the Oklahoma Hospital Association, and the American Hospital Association's proposed "Ameriplan."

I was very much impressed with the presentation made by the members of the association and I was particularly interested in the proposed cost containment demonstration project which, if approved, would require the Government to view the hospital's financial requirements prospectively rather than retroactively. I hope this demonstration project will be favorably considered by the Department of Health, Education, and Welfare.

For the benefit of my colleagues, I ask unanimous consent that the written statement of the representatives of the Oklahoma Hospital Association be printed at this point in the RECORD.

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

**A STATEMENT BY REPRESENTATIVES OF THE OKLAHOMA HOSPITAL ASSOCIATION**

Oklahoma hospitals are most appreciative of this opportunity to meet with our Congressional Delegation. Our purpose is threefold. We would like to explain to you why Oklahoma hospitals are in a very precarious financial condition and to urge your help in securing corrective legislation. Secondly, we would like to bring you up-to-date on the status of our proposed hospital cost containment demonstration project, which we submitted to the Department of Health, Education and Welfare last July. And, thirdly, we would like to make a few comments on the American Hospital Association's proposed "Ameriplan".

The federal Medicare program, with its retroactively determined cost provisions, has contributed to the financial dilemma facing Oklahoma hospitals that is resulting in an alarming acceleration of hospital charges to private paying patients that we serve. To illustrate, let me give you a composite picture of the patients presently being served by Oklahoma hospitals:

1. Thirty-seven percent of the hospital's patient days are for Medicare patients.

2. Approximately thirteen percent of the hospital's patient days are for Medicaid patients, although the Medicaid program is only able to pay for approximately ten percent of these days, as they have had to reduce the scope of their program to a maximum of ten days per admission for an adult Medicaid recipient because of the limit of state matching funds.

3. Ten percent of the patients in Oklahoma hospitals could not pay for their care and are not eligible for Medicaid and have to be considered as bad debts or charity by the hospitals.

4. The balance of forty percent are those who have Blue Cross, commercial insurance or private pay patients, who must assume more than their proportionate share of the hospitals' total financial requirements because of the inequities presently existing in the Medicare reimbursement formula.

To further illustrate this point, the cost of care of the ten percent of our patients who are not eligible for Medicaid and are not able to pay for their own care must be borne entirely by the forty percent of our private paying patients as the Medicare and Medicaid law says they would assume no responsibility for the hospitals' cost for charity services.

In addition, hospitals have many community services that are financial "losers"; such as, emergency room services, obstetrical services, charity out-patient clinics and other similar community services. Medicare will not assume any part of these costs for community services in their definition of allowable, reasonable cost. This, in effect, is saying that the forty percent of the private paying patients must assume the total cost of these community services, rather than apportioning these costs equally among all users of hospital services.

During the last few years, many hospitals have had to borrow capital on short-term loans to expand and modernize their facilities. Yet Medicare and Medicaid will not allow the retirement of debts as a part of allowable cost and will only allow a percentage of the depreciation allowable over a 40-year period. Therefore, a large part of the financial burden for capital improvement must also be passed on to the forty percent private paying patients.

As a result of this retrospective determination of what is, or what is not, an allowable cost, hospitals are finding that they actually recover less than eighty percent of regular and normal charges rendered to Medicare and Medicaid patients.

If Oklahoma hospitals are to contain their costs to their private paying patients (who are the taxpayers paying the Social Security taxes and the general revenue taxes to finance Medicare-Medicaid program), we believe the following changes must be written into the law to provide for equity among all purchasers of hospital care, including the federal government:

1. The hospitals' financial requirements must be met by equity payments appropriated on the basis of each group of patients' use of hospital services. For example: If Medicare patients use thirty-five percent of the hospital's services, their payments for this service must be approximately thirty-five percent of the hospital's financial requirements, including their proportionate share of the hospital community service programs and their capital financial requirements.

2. Since Oklahoma's non-profit hospitals furnish care to all patients admitted to the hospital by the patient's physician, regardless of their ability to pay, either the Medicaid program must be expanded to pay for the cost of this care to the medically needy, or the cost must be apportioned equally among all the users of the hospital, including Medicare.

3. Because of the obvious failure of retroactive determination of allowable hospital costs that has contributed largely to the hospital's financial dilemma, we urge that the hospital's financial requirements must be reviewed prospectively by the major purchasers of hospital care and that the hospitals be paid their cost during the period they render the care, thus enabling the hospitals to be financially able to provide the needed services for the patients that they serve.

**OKLAHOMA'S PROPOSED HOSPITAL COST CONTAINMENT DEMONSTRATION PROJECT**

Last year when we met with you, we told you we were working with the Oklahoma Department of Public Welfare and the Oklahoma Blue Cross Plan on approaching the Department of Health, Education and Welfare on a proposed three-year hospital cost containment demonstration project. This

past July, we did meet with officials of HEW, along with Lloyd Rader, Director of the Department of Public Welfare, and Ralph Bethel, President of the Oklahoma Blue Cross Plan, and informally submitted our proposal. They were non-committal, but asked us to proceed in developing the detailed proposal. We asked that they send a representative to meet with us to work out some of the details of the proposal. They agreed to do so. We have had six or seven meetings, and hope to have the final proposal formally submitted to the Secretary within the next thirty days. This proposal, if approved, would give Oklahoma hospitals that participate in the program some financial relief by assuring them of their financial requirements, but, at the same time, we believe, would contribute much toward containing costs. Once this program is submitted to the Secretary, we will solicit your help in urging the Secretary to favorably consider the demonstration project.

**AMERICAN HOSPITAL ASSOCIATION'S PROPOSED "AMERIPLAN"**

The American Hospital Association recently released a "Report of a Special Committee on the Provision of Health Services". After considerable study, the Committee came to the following conclusion: before we design a national financing plan for health services for the people of this country, we should first restructure the health care delivery system so that it will assure health care to every individual.

They then proposed what, we believe, is a realistic financing plan to coincide with the development of the restructuring delivery system. The basic unit of restructuring the delivery system would be joining together of the community health resources—the hospitals, nursing homes and physicians—under an umbrella health care corporation, which would be franchised to furnish health care for a certain geographical area.

We will forward you copies of this special committee's report outlining these proposals, and hope that you and your staff will have time to review them, as we believe that one of the primary issues facing the Federal Congress during the 1970's will be restructuring and financing our health care delivery system. We certainly offer our assistance to you in furnishing any information you might desire to assist you in coming to conclusions relative to these national problems.

In conclusion, we would like to reemphasize that Oklahoma's non-profit, community hospitals are organized to provide service—they are not organized to earn money. However, they must earn money to continue providing these services. We need your help if we are to continue to maintain and improve our hospital system in Oklahoma. To continue to improve services to the patients we serve, we must have more adequate financing.

**PUBLIC POLICY—CENTRAL POWER REVENUE SHARING**

Mr. KENNEDY. Mr. President, the solutions to the problems that beset our Nation are stymied in a gigantic bureaucracy in Washington. Power is invested in various sectors of government to such a degree that the individual turning to it for guidance or assistance is lost, ignored or filed away in triplicate. There is a growing feeling that people have lost control and that government and those they have selected as their representatives are beyond their scope and reach. This sensation of futility and often anger at alienation, frustration and inefficiency has developed into a growing cry for decentralization.

Mr. Richard Goodwin has skillfully

dissected this situation in two articles appearing in *Commentary* and the *New Yorker*. Rising public discussion of the need for revenue sharing and the form such a program should take makes his analysis significant and timely. His unique insight into these problems and great sense of perspective would be of special interest, I believe, to every Member of Congress.

I therefore ask unanimous consent that "The Shape of American Politics" in *Commentary*, June 1967 and "Reflections" in the *New Yorker*, January 4, 1969, by Richard N. Goodwin, be printed in the *RECORD*.

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

#### THE SHAPE OF AMERICAN POLITICS

(By Richard N. Goodwin)

(NOTE.—Richard N. Goodwin, a former special assistant to Presidents Kennedy and Johnson, is currently a fellow of the Center for Advanced Studies at Wesleyan University. He was one of the participants in our round-table discussion, "Containing China" (May 1966).)

Over the past several decades much of the world has been experiencing the growing power and dominion of centralized national leadership. The word "nation" itself, having once described a loosely governed confederation of territories or people, now increasingly refers to a fixed geographical area where a central authority assumes mounting responsibility for a range of social and economic activities formerly left to localities, tribal groups or individuals. Empires have fragmented into nations or, as in Russia and China, old divisions have been obliterated under the imperatives of single rule.

Since this is a modern process, it tends to be most advanced in those countries most firmly committed to industrialization and national power. Africa, on the other hand, still struggles against tribalism, while some Latin American countries battle to assert national authority over historic enclaves of independent power and wealth. It may well appear from a distant point in history that the principal barrier to national progress in our time was simply the lack of a nation. Certainly one reason that many Latin American countries have not developed despite 150 years of independence and a Western heritage is that they have not been countries at all, but collections of independent principalities.

This process of centralization has not been confined by ideology. It has occurred under democracy and dictatorship; it has been guided by capitalism and socialism, Communism and Fascism. For it is imposed by the fusion of technology with the psychology of power. In making the concentration of power possible and expanding its uses, technology helps to liberate more forceful and sweeping impulses in those individuals who seek authority.

The process is global and differently shaped by the innumerable varieties of culture and circumstance. My discussion, however, will be restricted to the United States. It is what I know, and it best illuminates the most troubling political fact of our age: that the growth in central power has been accompanied by a swift and continual diminution in the significance of the individual citizen, transforming him from a wielder into an object of authority.

Although the problem is larger than politics, I write of it only in that single dimension: one, however, which is steadily more pervasive. Of all human activities, politics—the process of acquiring and using governmental or official power—is among the most

responsive to shifting values and situations, always reflecting the dominant and visible themes of the human turbulence which creates it and which it attempts to govern. Hence politics cannot be understood or analyzed apart from the wider society which gives it coloration and direction. An artist may be an age ahead of his time. Even the greatest politician can only be a step or two ahead of his, although important action can spring from his ability to penetrate the obscurity which always enshrouds the real demands of any period. Actions and public words based on a more profound vision than this may suit a prophet, but not a politician. His material is the desires and attitudes of living people, and even the most violent revolutionary cannot escape that constraint, as Lenin knew and Alexander learned.

The growth of central, or federal, power in America during the past few decades has been phenomenal. Only thirty-five years ago, Mencken could write: "The rewards of the Presidency are mostly trashy. . . . The President continues, of course, to be an eminent man, but only in the sense that Jack Dempsey, Babe Ruth, and Henry Ford have been eminent men." He describes a typical Presidential day: "All day long the right hon. lord of us all sits listening to bores and quacks. Anon a Secretary rushes in with the news that some eminent movie actor . . . has died, and the President must seize a pen and write a telegram of condolence to the widow. Once a year he is repaid by receiving a telegram on his birthday from King George. . . . It takes four days hard work to concoct a speech without a sensible word in it. Next day a damn must be opened somewhere. Four Senators get drunk and try to neck a lady politician. . . . The Presidential automobile runs over a dog. It rains."

We still mock our Presidents, sometimes brutally, but not because they are futile, comic, or unimportant. The springs of today's satire are fear and rage rather than condescension. For the target is immense.

The federal government spends about one-seventh of our national wealth and creates more of it. Between 1950 and 1960, nine out of ten new jobs were created by the public and the private not-for-profit sectors, and only one out of ten by private enterprise. Today, one-third of the entire labor force works for someone other than a profit-making institution. The towering apparatus of scientific and technological research which is remaking our society, and causing apprehension in Europe, is increasingly fueled by federal funds. It is the government, not private business, that is held responsible for the condition of the economy: credited with prosperity; blamed for recession and inflation; expected simultaneously to make the country prosper, end unemployment, and keep prices down. Of course Washington's power and skill are not equal to such expectations, but it is inconceivable that any President today would greet economic dissatisfaction by pleading, "There is nothing I can do," or even worse, "It is none of my business." The first to assault any such forfeiture would be the conservative members of the business establishment, rapidly joined in an improbable chorus by liberal democrats, the New Left, and the editors of the *New York Review of Books*.

But today's government is not only expected to maintain prosperity; it is also expected to ensure justice. Those who are denied their fair demands by our society look to Washington for help in righting felt wrongs, or scorn it for inaction. The hopeful and contemptuous alike have little doubt where the main responsibility lies. Social ills, from benighted cities to polluted air, are regarded as the charge of government; and Washington is also expected to lead the way out of the automobile-choked tunnels in which we are incarcerating ourselves.

The 1966 elections dramatized yet another important responsibility now assigned to government: keeper of the status quo. It is expected to be the protector of all those who are both delighted and unsure about their new affluence—the suburban houses, new cars, and television sets. They command the government to restrain any social turbulence which seems to threaten their personal position. This demand, which might be called Reaganism, finds its most violent expression when it combines with racial fears and bigotry into the "white backlash." Increasingly, the obligation it imposes conflicts with the aims of justice and with the more embracing effort to modify society in the direction of an enlarged individual existence for all.

We have, for the most part, tried to extricate ourselves from this clash of aims by a kind of tokenism: pretending to make war on poverty or to enforce civil rights while confining resources and power to a dismally inadequate level, thus easing conscience and subduing fears while making real sacrifice unnecessary—all often accompanied by a spurious rhetorical evenhandedness which equates the violence of a few frustrated Negroes with the huge oppression of millions. Fortunately the tokenism extends to both sides of the social clash, as we substitute "wars on crime" or exhortations against "violence" for more vigorous repression. However, in a relatively nonviolent country, where the most urgent interests are those of a minority, tokenism is not neutral. It is a powerful ally of existing inequalities.

Augmenting the swelling domestic authority of government, there is the conduct of foreign policy, which gives to a few men, often acting in partial secrecy, the power to commit our country to action in all parts of the world, send hundreds of thousands to fight in distant lands, and entangle the resources and honor of the nation in adventures, promises, programs, and acts in every continent. This control culminates in the numbly familiar power to decree our destruction—a power less real because it is beyond the grasp of consciousness, but present and infusing all the other acts of government with majesty and terror.

We usually associate all this centralization with the Presidency, both because the power of that office has increased disproportionately and because the President is most visible to our expectations and our rage: we find a personal target more congenial than an institutional one. Most of our discontents are therefore directed at an individual's defects of character, temperament, or intelligence, rather than at the structure which permits such qualities to rule, or, at least, leaves a great deal of our welfare in the hands of chance. The more that power is concentrated, the greater the stakes on the always obscure gamble of selection.

Yet the Presidency is not the only part of our government whose power has grown. The Supreme Court helped lead the social revolution of the Negro: an astounding role for an institution whose previous incursions into the political process had nearly always been to check the affirmative action of government (e.g., the New Deal Court, the Income Tax Cases, and, more ambiguously, the *Dred Scott* decision). Sharing in the general euphoria of power, the nine justices of the Supreme Court make major political decisions, unresponsive to the democratic process, in secret meetings on Friday afternoons. Both the number and the scope of such decisions steadily mount. Liberal critics have generally approved this development because they approve the content of the decisions, while the fundamental reshaping of an important institution seems not to trouble them. But it is a transformation which almost certainly will come back to plague us as judicial personnel and social attitudes change, and as an institution which has

become more and more political develops an even greater sensitivity to transitory shifts in the political temper.

Congress, too, shares in the mounting power of the federal government, exercising its authority to frustrate the will of the President, or to collaborate with him in denying redress. Congressional action is often spoken of as negative power, a sort of reverse veto. But that is because we are trapped in the liberal rhetoric which defines positive action as increased spending, greater regulation, or new programs. Freed of that semantic trap, we see that the judgments of Congress are extraordinarily powerful affirmative ones: to direct more of our resources toward private consumption than public needs, to cut taxes rather than increase spending, to calm the fears of the homeowner against black invasion, to deny assistance to developing countries, or to support isolationism and chauvinism. At times its judgments are—from a liberal standpoint—more benign, although this is often not perceived, since it tends to take the form of support for the administration. (On the other hand, congressional leaders helped decide that we should stay out of Indochina in 1954, and that the right to some privacy overrode the need to wiretap.) More important than its specific actions is the fact that Congress sets the limits and framework for Presidential action. Perhaps the most effective restraint on social legislation, increased spending, and other liberal measures is not any sense of popular opposition, but the foreknowledge that Congress will reject such proposals or that the effort to pass them will eat up so much political capital as to endanger measures thought more essential, or even erode the zealously guarded prestige and power of the President (as in the case of Harry Truman and "socialized" medicine). Presidents would often be far more radical if they thought Congress would let them get away with it. Nor are such assumptions about the limits of congressional tolerance usually made explicit in discussions between congressional leaders and the administration. They are so much a part of the political atmosphere that they dominate and restrict discussion at even the most private meetings. It is not that proposals are rejected. They are not even put forth for analysis or debate; and the process of innovation is one of constantly and cautiously probing these invisible boundaries. Of course, Congress has not shared to any comparable extent in the conduct of foreign affairs. However, the President's concern with foreign matters has probably increased congressional importance in the domestic field since, especially in times of crisis, he must often seek support by moderating his domestic demands, in a sense "buying" allegiance. As most congressmen are far more interested in these issues, they find the division satisfactory.

The reality of increased federal power is undeniable. The events and circumstances which have created it are more tangled and ambiguous. Most obvious is the necessity for federal leadership in the conduct of foreign affairs, accepted by even the most conservative. Thus, as America became a global power with swiftly spreading burdens and ambitions, government waxed. Our relations with other countries, deeply and even mortally consequential in themselves, inevitably seep into a hundred areas of national life, shaping the structure of our industrial system, setting priorities for education and scholarship, pushing us toward technology and away from other pursuits.

Through this indirect effect on other institutions, and through the immediate impact of particular decisions and acts, the conduct of foreign affairs pervades the attitudes of the nation, contributing to a national mood of enthusiasm or resignation, anger or despair, which unavoidably carries

over into a wide range of unrelated public problems and private sensibilities. The war in Vietnam has crippled and drained the drive behind civil rights. The presence and potential of nuclear power has entered into our art, and probably into the psychological structure of every citizen. Yet this towering power is for the most part in the hands of a single man and his employees. Even the normal checks on public dissent are partially sterilized by ignorance, central control over information, and the fact that immediate self-interest is usually not involved, thus depriving protest of the passion which comes from simple personal engagement. It is part of the naivete of the conservative position to believe that foreign affairs can be compartmentalized—that enormous power can be granted in the world arena while being withdrawn from domestic affairs. The truth is that authority over foreign affairs carries with it a new, wholly modern, ability to alter the nature and direction of our society.

In some measure the increase in central power is attributable to the converging flow of historical and psychological factors. The New Deal, out of necessity, created large new authority for government. More importantly, it led citizens to expect a great deal more than they previously had from Washington. Once this process had begun, it could not easily be arrested. For the natural inertia of the American system resists all but the most critical and revolutionary conditions, such as the Depression itself. The single conservative administration since Roosevelt could only consolidate, and not reverse, the flow. In our nation popular expectations and political power ride side-by-side. As demands increased, the central government was compelled to seek fresh authority. Those who chose conservative principle over political response met the fate of Taft and Goldwater.

Strengthening this domestic "revolution of rising expectations" is the natural tendency of political leaders to add to their power, to relish the "anguish" of decision, and to resent any effort to oppose their will. I do not mean this as criticism. It is a psychological condition of great leadership to want power and receive satisfaction from its exercise, just as a great artist must desire command over his materials. (Justice Frankfurter once told me no one could be a great President who didn't enjoy the job—even if he was occasionally tormented by its burdens. Of course, the fact that a man enjoys power does not in itself make him great.) It is natural for a leader, once in possession of power, to resist frustration. Our system is deliberately and instinctively designed to restrain this ominous psychological inclination. The great number of institutional "checks and balances" are combined with less formal limitations grounded in national traditions and values, political realities, popular sentiment, and the power of the press to criticize and expose. These are often the most potent restraints, not only limiting what a leader can do, but what he would think of doing. They are accepted and even cherished by men whose indoctrination in the American system is stronger than inner drives to power. Like most important political guides, they are rarely articulated, having been absorbed into character and personality. (For example, no one doubted that President Truman would relinquish the steel industry when the Supreme Court ordered him to do so. Yet it is hard to think of another country where a President would yield to a judicial body on a matter of such magnitude. Nor could the Court have made him act if he refused to. It was simply "unthinkable" that he should refuse.)

The price of this system is often inaction, or very slow progress. For radical and swift changes require great and concentrated authority, which, in turn, is extraordinarily dangerous in the wrong hands. We can see

today how the concentration of power over foreign affairs in a single man—long a goal of that liberal thought which was contemptuous of congressional conservatism—has dissolved the normal checks of our institutional structure. And these restraints have been neutralized precisely in the area where political checks—public opinion and the press are weakest, poorly informed, most prone to emotional reaction (especially since personal economic interests are rarely affected in any obvious way), and most willing, in resigned bafflement at complexities, to accept Presidential direction on faith. It is possible that conservatives have something to teach about the value of institutional arrangements, and the unwisdom of sacrificing them to immediate desires. At least we should understand that the hope for pure self-restraint in the use of power can be a very feeble guarantee, and often weakest in the temperament which wishes to accomplish the most for the country.

This interlocking psychological and historical process has been given a greater momentum by our increasing ability to shape events from the center. Economics and, to a far lesser extent, other social sciences have enabled us to achieve an improved mastery over the operations of society. We now try to control economic conditions in every section of the country, using newly refined tools of fiscal and monetary policy—raising and lowering taxes and interest rates in response to computerized projection and the counsel of experts and businessmen. (These tools are more doubtful than a few recent successes have led us to believe, and as presently used they have serious social costs, depriving the government of revenue to support needed social programs and generally aggravating maldistribution of income.) Mass communications and swift transportation have enabled government to bring its authority and assistance to bear in a detailed and specific manner, allowing it to construct the rapidly responsive bureaucracy hitherto thought impossible in a nation of continental dimensions, and encouraging the natural tendency of local officials to turn to the federal government. Hardly a day passes without a phone call from a mayor asking for concrete advice or help. Task forces and experts are constantly dispatched to states and towns, not only in flood or famine, but to examine housing programs, evaluate complaints about pollution control, and to decide whether new power lines are going to blight a suburban area. Computerization of government, the next stage, will increase the possibilities of central control and influence and, unless we make some fairly radical structural changes, will in fact bring about such an increase.

Many of these new mechanisms and techniques are more efficient and result in greater justice—at least in the abstract sense of that term. It is hard to argue that we should not make sure everyone pays his taxes. Yet the knowledge that a giant computer in West Virginia is making a detailed analysis of the economic status of every American will add an inevitable, subtle, and pervasive tension to the financial transactions of each citizen—just as the sight of a police car in the rear-view mirror makes even the law-abiding motorist wary and self-conscious. That is a rather high price to pay to catch a few cheaters, especially when our tax laws give advantages to the privileged which no system of automation can remedy.

Access and communication, however, also work in reverse, occasionally yielding a political influence to disadvantaged groups greater than their economic and social power. We are past the time of the 1920's when millions of farmers could languish in desperation and cause scarcely a ripple in Washington. For example, the civil-rights movement owes much of its impact to the television cameras which displayed the cruelties of Bull Connor and the violence of Selma to an au-

dience for whom racial injustice in the South had seemed as remote as apartheid in South Africa. Through modern communication, Negro leaders have become national celebrities, enhancing the power and possibilities of leadership. Similarly, the poverty program owes a great deal to books and articles: a series in the *New York Times* on Kentucky, Michael Harrington's book, and a piece by Dwight Macdonald in the *New Yorker*—all of which helped to stimulate conscience and political action by introducing thoughtful citizens and national leaders to the agonies of the previously unnoticed millions trapped beneath the surface of affluence.

These varied forces contributing to central power have a unifying theme: the mutually reinforcing concurrence of national demand and expectation with the assertion of power and the capacity to exercise it. There is, however, a more subtle, pervasive, and probably more significant factor. It is the gradual dissolution of alternative outlets for grievances, demands, ambitions, and inner needs. It is as if many small magnets and a single large one were scattered on a floor. If the smaller magnets steadily lost their force, particles would break away and take their place in the stronger field of force. Something like that has happened to American political life.

There are, after all, many ways for a man to change the conditions of his life or modify his environment. He can act through local government, social institutions, and private organizations. Or he can gain access to opportunities which do not rest on official action—by, for example, "going West" to an unsettled frontier.

All these possibilities have been dissolving. Large-scale opportunity outside settled institutions began to disappear when the West was closed. After that, migrants and minorities sought a path into society through unskilled labor. Its virtual elimination in modern times may prove as momentous an event as the end of the frontier. Certainly the distress of northern Negroes, and their struggle, would have taken a different shape if this same opportunity had been open to them. Today it is no longer possible to avoid conflict with society while gathering strength to force an entrance. The confrontation must be direct and immediate, and the unequal odds in such a clash require the intervention of the federal government, now the necessary agent of social change—and thus more powerful still.

More important to the growth of central power than the destruction of frontiers is the dwindling influence of local government and private associations. This erosion has been produced by two major social changes. The first, and most obvious, is the enormous resistance and complexity of many modern problems, requiring an antagonist of great force and resources. The second is a loss of connection: the fraying of human, civic, and territorial bonds between the individual and the disembodied structures which surround him. In consequence, the individual loses confidence in the capacity of local structures to modify the political conditions of existence, a self-fulfilling distrust which accelerates the weakening process. Diminishing faith turns people, not away from authority, but toward a more powerful center. This is certainly one of the reasons that totalitarianism finds its moment of opportunity at times of relative chaos.

Added to the many social and psychological conditions which have assaulted these historic structures are the growth in population (diluting participation in local government) and our fantastic mobility (making it hard to retain local allegiances). Therefore, individuals again turn toward the central government where, it seems, grievances and hopes can be effectively aired, and to which citizens in all parts of the country, even the rootless and displaced, feel some connection.

These weakened structures confront a social order whose growing rigidity closes off many traditional non-governmental outlets for change and for those personal ambitions which depend on social justice. The power of large corporations, the sanctity of the search for profits, the desirability of swift economic growth (we measure our success by our Gross National Product), and the exaltation of technology, are all virtually beyond serious challenge. Private citizens, communities, and even states feel helpless to deal with abuses resulting from an unchallengeable ideology and, being small, they are most vulnerable to the interests which benefit from this ideology. Thus our suburbs become horrors of ugliness, discomfort, and spiritual devastation because the right to buy land and build on it is sacred. The blurred advance of technology makes it impossible for any but the most sophisticated and endowed to weigh the advantage of change against the social ills it may bring. Since so much of our system is fixed, it is necessary to turn to the one authority still capable of channeling our institutions, through coercion or guidance, toward desired change: the central government.

Rising wealth also adds to central power. Although new affluence encourages conservatism, the "new conservatives" are usually far more concerned with the content of authority than the fact of its exercise. They find it possible to oppose welfare programs on the ground that they are against big government while supporting larger police powers and a range of new coercive authority for the state. In addition, many modern conservatives favor an interventionist and aggressive foreign policy which would inevitably lead to more formidable and sweeping powers for the federal government. This is far less principled than the conservatism of Jefferson or even Taft. It is rooted in economic self-interest, but whereas the dominant emotion of classical New England conservatives was confidence in themselves and in local institutions coupled with resentment at intrusion, the dominant feeling behind much of the new conservatism is fear (reinforced by a temperamental preference for abstraction over compassion). Behind the paradoxical conservative contribution to growing central power is the desire for protection of the newly affluent against unpleasant, troubling, and threatening social forces. Much of the root of today's liberal-conservative tension is the clash between fear and confidence, which is why conservatism tends to rise in times of felt danger and crisis. Certainly some of the most successful reactionary and conservative movements have rested on uncertainty and apprehension, while liberalism has generally tried to fuse popular desires with elitist confidence. (This gives us some hope that the second and later generations of the newly affluent—even in California—will be less conservative.)

Central power is not in itself contemptible or hazardous, but must be judged by the extent to which it enlarges or constricts the possibilities of individual existence. Difficult as it is to untangle relationships and sources, we can be certain that rising central power has been accompanied by the diminishing significance of political man. In part this human lessening flows from the increase in central power itself; in part from the changes contributing to that increase; and, in incalculable part, from the general nature of the modern world.

The individual's confidence in his own significance rests on the share of mastery he possesses over his life and environment. An internal ability to come to terms with the world, to seek a place in the drama, is imperative. Still, even the most intense and controlled awareness of self will not suffice for the person who is constantly denied, rejected, and ignored by his world, unless he possesses those rare inner resources which

allow him to create his own. But that is not politics. As political affairs become more centralized and as personal, group, and local responsibilities are absorbed, this vital sense of mastery is eroded. For, in fact, the individual's ability to control circumstances is diminished.

This is not simply a political phenomenon. It saturates our philosophical, technological, and social environment; and even as politics, it cannot be discussed apart from the commanding values of the time. These values differ radically from those which in one form or another have been dominant since the Renaissance—a historical moment, Michelet explained, that was characterized by "man's discovering of the world and of man." Before this, Burckhardt says, man had seen himself as a part of a series of categories—a member of his people, party, or family. Now "man became a spiritual individual." As this focus shifted, there was an effort to comprehend the essence of man, along with a search for a fresh synthesis of the new "spiritual individual" with the world around him. There was a growing faith that incomplete human understanding resulted from an imperfect knowledge we could labor to complete.

One of the last glories of the Renaissance, and one of its destroyers, Albert Einstein, when faced with theories that assumed the essential role of chance in describing the existence of basic units of the material world, asked: "Do you really believe God resorts to dice playing?" He spoke in the tradition which encouraged the conviction that the free play of the inquiring mind would lead to a complete and harmonious account of reality. In that tradition philosophers and artists alike had struggled to grasp man's nature as incorporated into systematic statements of faith and organic representations of reality. Now the belief in the possibility of such unity and wholeness is fading. We live, instead, at a time of fragmentation and dissection, in search of the components of our sensible world. The concept of God as a source of moral authority dissolves into mystical generalizations or disappears. Efforts at systematic philosophy are scorned, ignored, or become the province of esoteric technicians. Saint Augustine and Spinoza become Norman O. Brown and Marshall McLuhan.

Art continues and reflects the process of fragmentation, reducing objects to light and form and regarding constituent elements as ultimate realities rather than as parts of a large reconstruction. In literature and films we dissect emotions and actions alike, casting them as isolated fragments in order to evoke confused sadness at absurdity. Our hunger is more for experience than for meaning, for expanded sensation rather than coherent understanding. Even the insistent quest for the nature and meaning of man begins to yield, as psychology and biochemistry break us up into instincts, drives, creations of other beings, molecules, chemical codes, and electrical patterns, until the question, "What is man?", begins to lose meaning in its historic sense. Man becomes a physical phenomenon, different from other forms of life only in degree and power, all his complexities ultimately describable and predictable. We look for the truth in the pieces of the puzzle and not in the picture they make. For that picture is largely the random, purposeless assembly of myriad components in a single unit of living flesh.

This drive away from system and toward fragmentation has the force of a primitive religion. No one denies that it must go on, or that science and technology are to be pursued regardless of the values they imperil. They are the values. At one time it was possible to ask whether the fact that the earth revolved around the sun was worth knowing, if knowing it might deprive us of God. But it is Galileo who is our hero, not his foes.

Our American culture, more intensely than any other, reflects the process of fragmentation. A man as perceptive as André Malraux can claim that the United States lacks a national culture, since he looks for that culture in its classical sense—a structure of values and meaning embodying itself in certain forms. Our culture is of a different kind, rooted in our history as a nation. It is a culture of restlessness. Its principal values are change and movement, all continuously feeding the hunger for experience. This culture is sweeping the world, in painting, in theater, in the changing beat of music, in the adoration of technology. It is the culture of an age of fragmentation, at once reflecting and feeding that process. For it does not demand or provide the restingplace that unity and wholeness require. It transforms values into psychology, drives, hungers, and actions; it replaces belief with "authenticity."

Whatever this process of fragmentation may yield us in scientific knowledge or artistic accomplishment, it is charged with danger for political and social man. In these arenas of human activity there is no possible unit smaller than the individual. And the most vital and passionate need of the individual is for mastery: both over himself, and through some shaping share in the world around him. It becomes enormously difficult to achieve such mastery in the midst of dissolution and constant movement. Yet those who are deprived of mastery for themselves are often driven to cede it to others, perhaps ultimately forfeiting their freedom.

Whether or not the foregoing description has psychological and philosophical validity, it provides an analytic lens through which we can view our political and social institutions. More conservative than science or thought, they still reflect—as already suggested in the above account of the forces behind rising central power—the more profound contemporary currents of fragmentation and dissolution. Family ties stretch and break as the gap between the experience of the generations widens, and as more spacious possibilities of geographical and occupational mobility remove the pressure to reconcile natural hostilities and make it easier to indulge them. The community disappears, as the comprehensible unit of living blends into the huge, accidental monstrosities our cities have become. Science describes our world in terms beyond all but the most specialized understanding, dissolving control in mystery. Most of us know little more about the working of our world than did the ancients who ascribed natural phenomena to spirits. They, however, had the advantage of believing in their explanation, while we are only aware of our ignorance. Cities and technology, production and population, grow and change, powered by forces which seem beyond the control, and even the desire, of the individual person. A handful of men in remote capitals hold our existence hostage to their wisdom or impulse or sanity. The small groups where we could once achieve a sense of belonging and of being needed, because we could encompass them with our knowledge and presence, are disappearing, while the activities they once guided—the life of a town and of its citizens—now seem helplessly beyond their competence.

As these myriad enemies assault the private stronghold of influence and importance alienation, rage, desperation, and a growing sense of futility increasingly scar our political life. Two principal forms of reaction emerge. Violent protests and extreme convictions reflect the frustration of many at their inability to assert their significance and to share in the enterprise of society. Men of vitality and passion matched against indifference and encumbered by futility have virtually no recourse but rage. The history of the civil rights movement reveals how helplessness can drive the pursuit of unexceptionable goals toward violent rhetoric.

"Black power" is more a cry of despair and a plea for attention than a signal for battle. Among larger numbers, less endowed with vitality and conviction, there is a rising determination to protect and conserve. They seek security for their present position in the face of receding confidence in their own ability to shape the future.

We see these basic impulses in manifold, sometimes terrifying forms: more reasonably in the New Right and the New Left, irrationally violent among Minutemen and John Birchers, Black Muslims and Southern Secessionists. They are reflected in the compulsive search for a hero or an enemy, and in a deepening disgust with political life itself. (Nothing more ironically illuminates this point than the contrasting attitudes toward power in *MacBird* and in the Shakespearean plays of which it is a pastiche). All these conflicting movements help serve the single purpose of giving the individuals who belong to them the inner sense of significance that comes from being a part of some larger purpose. They reveal how a feeling of impotence is charged with danger, polarizing groups and individuals and creating a nation of strangers, until even those with whom we sympathize glare at us across an impassable barrier of hostility. The gradual decline of the Vietnam debate into competing slogans and invective is our most recent example of this process in action. The result is not merely extremism, but resignation and lassitude embodied in an unwillingness to face problems, make personal commitments, or to act until difficulties have all but overwhelmed us.

*Thus, whatever our particular political positions, the one overriding goal of political life must be to help restore and strengthen that faith of the individual in himself which is the source of national direction and generosity of deed.*

This may be an illusory goal. Perhaps the machine is already out of control, hurling us toward a future where we will all blend into some grotesque organism, our sensations absorbed by discordant sound and flashing light—where life itself is an endless "trip." Yet no one who pursues the profession of politics can permit himself to regard the goal as illusory, any more than a novelist can permit himself to believe that the form in which he works is obsolete. Politics alone cannot remedy a condition whose causes are so manifold. But it is at least partly a political task.

## II

There are two mingled aspects of public policy: content and technique, and though they are ultimately inseparable, each has effects of its own. The United States, Russia, and China, for example, have all worked to increase agricultural production, but their differing techniques have shaped the life of the individual farmer in drastically different ways. Thus political methods and structures can in certain cases do more to affect the individual than the substance of policy itself. But before proposing some structural changes in a form concrete and specific enough for immediate political action, I would like to touch briefly on the matter of substance.

The content of public policy in any society is dictated by ideology; there is no such thing as a non-ideological society. All nations, including our own, are governed on the basis of ideas and values, passionately shared and defended, which are not derived either from the necessities of nature or the command of God. If a man snatches his hand from a hot stove, that is not ideological. If he then decrees there shall be no more hot stoves in order to prevent burning, he has imposed an ideology (and one wholly alien to our own). Public affairs cannot be conducted outside an ideological system. "Pragmatism," as we tend to use that word, may be adequate for

a man stranded on a desert island—at least once he has decided to live and seek rescue. Our own world is too complex for that. We cannot hope to grasp all the variables of our life and deal with them anew each time we struggle for decision. We need, and we have, a mixed array of beliefs, values, and ideas to serve as reference points, so that pragmatic action moves carefully within a tightly confined ideological space.

Ours is one of the most ideological nations of all. The very absence of serious and widespread public debate proves how successfully ideas have been woven into our national life. They almost seem part of the nature of things rather than what they are: human choices among a great variety of possibilities. There are many ways to resolve difficulties, but only ideology can reveal what a difficulty is. The elements of our ideology, not the illusory question of its existence, require careful exploration by those who seek change and reform. I make no such ambitious effort here. Yet some of these elements are obvious: nationalism and the democratic process, concepts of individual liberty and obedience to law, the faith in technology and the pursuit of invention, the virtue of rising national wealth, the willingness to reward production more than teaching, or acting more than contemplation, and even the conviction that problems can be solved.

Anyone in government who has had the experience of proposing measures which even cautiously probe the boundaries of our system of belief can testify to the rooted passion which defends it. Often changes that are self-evidently beneficial prove surprisingly hard to bring about even when opposing interests are pitifully weak. When we find that a series of such obstructed reforms has a single theme, we have touched an ideological nerve. Therefore the search for policies which might enhance the individual's sense of mastery must, in the first instance, be ideological. The only realistic political approach is to build on major elements of existing belief rather than to erase and begin again.

In our domestic affairs, two ideas above all need to be modified and strengthened. One is our idea of justice. The other is the concept of public responsibility for the quality of individual life.

Justice, as equal treatment, or in the more abstract sense of the fulfillment of fair expectations, is a historic goal of the American system. It has generally been enforced by the elimination of formal barriers—property restrictions on voting, racial and religious discrimination—on the assumption that in the absence of such barriers, disadvantaged individuals and groups would be free to fight and work their way into the society according to their individual merits. This idea is no longer adequate; indeed, it has itself become a principal obstacle to justice. For many of the weapons of earlier battles have been seriously blunted.

The classic pathway of unskilled labor is now closed to the excluded. Their potential political strength has been mortally diluted by the rise of metropolitan populations (making their numbers less important), and by the shift in power toward a central government which must weigh their needs against the demands of a huge majority—something mayors of Boston never had to do. The complexities of modern existence are an ever-returning maze through which the underprivileged must wander in mounting frustration: bad education breeds unemployment, unemployment brings poverty, poverty dulls capacity and desire, which in turn insures poor education. The spread of affluence requires minorities to battle, not against a small entrenched aristocracy, but a huge and ever more fearful majority. The essence of social struggle has always been "Which side are you on?" and the sides are becoming steadily more disproportionate.

The Negro in particular must also face the darkly resistant racial feelings which are more intense than the hostility ever directed against other American minorities. All this commands government to go beyond the responsibility for an often illusory equality of "opportunity," and to set itself the job of equipping underprivileged individuals to meet the demands of society while at the same time compelling their admittance. Justice is not merely liberation, but assistance and compulsion. This does not entail a change in expressed American objectives but a shift in the ideas essential to those objectives.

Clashing even more dramatically with the old ideologies is the necessity for government to concern itself with the quality of individual life. In a few carefully confined areas we have made this our concern. The Bill of Rights was not adopted for its economic efficiency, and the conservation struggle is a half-century old. Still, the major goal of our modern domestic policy has been rising national wealth and its wider distribution, with special provision for those kept from competition by unavoidable circumstance—the old, unemployed, and afflicted. These are benign objectives, but they are dismally insufficient. The assumption that private affluence would enable individual citizens to create a decent and liberating environment has collapsed. That failure can be seen in the chaos and degradation of our cities, the pollution of our air and water, the ruthless destructiveness of our highways, and the desolation of our countryside. The same qualitative failure pursues us into every corner of our national life, whether we are hypnotized by the destructive sterility of our government-supported (but not controlled) television networks, or send our children to schools which crush imagination and the desire to learn. Even the sustaining values of community have, in incalculable measure, been destroyed, not by changing values, but by a physical environment designed to obstruct continuing human contact.

The important thing about these afflictions is that virtually no one can escape them. Certainly so many problems with a common theme must have an ideological base—a suspicion strengthened by the knowledge that effort directed at such social ills would rapidly return to enrich the nation, not only spiritually, but in dollars and cents. We would create jobs and useful work and investment, finding it possible to have both private affluence and public improvement. The strength of the obstructing ideology here can be gauged by the fact that, until recently, we not only failed to attack these problems, but rarely thought of doing so. Made invisible by ideological preconceptions, the entire issue hardly reached the level of public debate (though, of course, some social critics saw the problem).

This ideology sets the boundary line between those matters which are the proper concern of government and those which rest with individuals. The barrier is rooted in a passion which transcends immediate self-interest—and we can all think of activities unrelated to economic interests which we wish kept free of government. In this case ideology dictated that commercial enterprise had a right to expand and change. Of course abuses should be restrained. But they were abuses of economic power directed against consumers and citizens—monopolies and price-fixing, child labor and resistance to unions. Abuse was a category which did not encompass the non-economic, social consequences of economic expansion. These were in effect forbidden ground. Once personal liberty was ensured, the proper concern of government was economic expansion, protection against commercial exploitation, and justice as narrowly defined. As if this concept were not confining enough, there

were also the inherent limitations of a political system designed to respond to crisis. We could act only when a problem became urgent or an abuse widespread, provoking intense public concern. We had neither the mechanisms nor the habits of thought for any other approach; and except for some rudimentary and permissive economic planning (which fits the ideology), the deficiency remains. Unfortunately, when many of today's social problems reach the crisis stage they are already almost beyond redemption: New York City.

It is now essential to accept the reality that the public conditions of private life are a matter of public concern, that dealing with them is beyond the capacities of individual citizens, and that they require a major redirection of our energies and resources. The choice between lower taxes and a vast program for the cities is ordinarily posed in terms of the vague and ideologically potent stereotypes of government spending and bureaucracy as against private consumption and initiative. It is natural for citizens, confronted by such a choice, to prefer immediate tangible reward to remote and largely abstract benefit. In truth, it is all private consumption: the choice is between a second car and clean air, between a new television set and a park for one's children. When we spend billions for space while slums go unattended, and when we lavish attention on computer systems to guide aircraft while breathing poisoned air, we are not simply being wasteful or irrational; we are acting out of a structure of ideas whose modification requires national leadership and education. The time is propitious for such a change, precisely because the affluence which has been created by our old policies allows people to divert themselves from the economic struggle long enough to feel dismay at the world we have been building.

There are already some signs of a shift in belief. We have new demonstration programs for our cities and even a Council on the Arts. Just as this movement began to pick up momentum, it was paralyzed by the Vietnamese war. If times improve, we can hope for an ideological change bringing the demand for public action against those social ills which cripple the quality of individual life.

We may eventually view the refusal of a builder to provide parks and trees with the same incredulity with which we would now greet a denial by General Motors of Walter Reuther's right to bargain for higher wages—an idea easily accepted not too long ago.

Utopian as much of this may sound, it is less far-reaching than the changes required in our policies toward the rest of the world. However, in foreign policy the possibility of radical changes in ideology—and consequently in action—is far greater. Our domestic policies are sustained by a network of resistant structures and institutions, closely identified with the personal self-interest of large and powerful numbers. Foreign policy, on the other hand, is much less firmly tied to group interests or to institutional structures. That is why it can change so rapidly, and why the President has such great power in this area. We have moved from isolation to war, from a relapsing withdrawal to the Marshall Plan, from Kennedy detente to Johnson interventionism, with each shift eventually winning much establishment and popular assent.

Another reason for directing major concentration to foreign affairs is their importance. Our great problems increasingly derive from world conditions. It is on the world stage that America has its opportunity to act a great role in human history—an enterprise to alter the human condition and the relationship among the peoples of the earth.

Such an enterprise is essential to the goal

of an enlarged individual existence, and thus to our national health and sanity. Personal fulfillment flows from the opportunity to share in a great adventure, whose aim and conduct can be a source of idealistic pride. A gifted and lucky few finds this in their own work and talents. For most of us, nothing is more oppressive than to be a member of a society whose operations we view as menial, self-regarding, cruel, or aimless. Today, especially among the young, the inspiring sense Americans have had of helping to unfold a noble destiny is fading. Still, even in the harshest criticism there is an undertone of hope which would be impossible in many other more cynical and less powerful countries (their impotence is real). Behind the most passionate contemporary assaults against modern America, we can glimpse the unarticulated belief that with other leaders or with a different system, this country—its people—is still capable of constructive and idealistic action. I share this optimism.

Clearly such a shift in foreign policy cannot be brought about solely by the desire of a rich and powerful country to protect itself from global turbulence—the foreign counterpart of the new conservatism. There is no glory, and little future, in being the guardian of the international status quo. But neither is it necessary to be self-damaging. For we are in the almost unique position where a policy of revolutionary idealism is consistent with our own immediate self-interest as it is most deeply understood.

Before exploring this point, let us clear away some underbrush. People and nations can, and often do, act with irrational lust and violence. Our society and its values have been threatened by military aggression in the past, and may well be again. There are those who would joyfully overrun us tomorrow if they could. Sometimes it may be necessary to resist by force, and it is certainly necessary to be prepared for such resistance. Until there are important changes in the human condition, fear, not love or even reason, will be a principal keeper of the peace. (I am not talking here of our disastrous policy in Vietnam.) It is also true that particular problems require concrete or "pragmatic" responses. However, cult words like "realism" or "pragmatism" should not be allowed to cloud the real problems of foreign policy. They are not wrong, but they are virtually useless. All they mean is that any objective should be pursued rationally and with the widest possible knowledge of the circumstances. They tell us nothing about the objectives which should be pursued.

Self-interest is another word used to confuse and often destroy debate. The physical protection of our population and its material well-being are clearly in our self-interest. Beyond that are multitudinous complications of values and judgments. As between tranquility or ferment, indulgence or sacrifice, the comfort of undisturbed and mounting wealth or the joy of living by ideals, it is far from self-evident which we ought to choose, and our choice will rest on the spiritual circumstances of the country. However, there is a second and more occupying sense in which the term "self-interest" is used—to label particular actions and policies. This usage is almost always invoked to end debate entirely, serving as it does to imply that an adversary is hopelessly abstract, romantic, or confused. Thus we are told that it is in our self-interest to destroy the Vietcong, or to support the military in certain South American countries, or to be gentle with South Africa. (Conservatives seem to have a genius for winning the all-important semantic battles. Anti-union laws become "right to work"; national health insurance becomes "socialized medicine"; a proposal to eliminate the concentration of the draft on the poor and disadvantaged becomes a "lottery.") Those who oppose such policies

are often cast by this brilliant rhetorical device as betrayers of the national interest.

Yet those policies are not expressions of self-interest at all, but only measures which someone thinks will contribute to it. Moreover, the self-interest they presume to advance is often narrow and shortsighted. To take a simple and obvious example: there are those who wish us to support, or at least readily accept, authoritarian military governments in South America because they contribute to economic and political stability. I believe we should support liberal, progressive forces in South America, even if they are revolutionary in character (I do not becloud the issue by introducing the subject of Communism), because in the long run they are the only force which can both win in their own countries and maintain a fruitful association with the United States; because we will be more comfortable and (again in the long run), safer in a hemisphere dominated by these forces; and because our spiritual health as a country will be enhanced by supporting them. Thus I view my position as realistically and pragmatically in our self-interest, and I look upon favoring the military as a form of self-destructive and quixotic romanticism.

Of course, a general policy is not a detailed guide to specific problems. If the military takes over, its rule becomes a fact which must be dealt with, introducing many complicated questions to be weighed on their own. Nevertheless, the general proposition gives a direction to policies and expressions which will be profoundly significant to ultimate results and will often also have a crucial effect on particular decisions. (Thus, we cut off aid to Peru for two years because it had a dispute with a Standard Oil subsidiary over the division of royalties. That action flowed from a distinct ideological position that was violently opposed to our true interests. A different, and more intelligent, understanding of our goals in Peru would have forbidden such a masochistic decision.) In short, the imperative questions of foreign policy are: which goals serve the long-run interest of the American people, and what policies are best calculated to move us in that direction. This discussion leads from the most remote and prophetic considerations to specific policies and acts. For example, we can assert that we wish to help in the development of the Third World. Why? Out of charity or fear? Do we really have an obligation? If so, what is it grounded on? Do we believe that the world can't exist with a poor majority and a rich minority? Why not, when it always has? If we should help, then how much, whom, and under what conditions?

Answers to such questions are implied in the view that a policy of revolutionary idealism is both desirable and practicable for the United States. To begin with, there is the comforting reality that we are almost the first great power whose self-aggrandizement does not depend on dominion over others. Our enormous strength makes us impregnable to any but the largest and most serious threats—for the moment only to a direct attack by the Soviet Union. China may, in some still remote time, be able to transform hostility into danger, but Cuba, Guinea, Albania, etc., unless they should become active and effective agents of a hostile great power, are only an emotional annoyance.

Our economy is also virtually self-sufficient, depending for mounting prosperity neither on control of foreign markets nor on foreign sources of raw materials. So long as conditions permit us to buy and sell in the world market, we need not exercise control or ownership over any other territory. It is true that our gold reserves are in a hazardous position—which, however, could be secured if we were willing to free ourselves from the theology of international finance. In any event that particular danger,

real and influential on policy as it now is, does not rest on reality, in the sense that it does not come from any weakness of our economy. It is a creature of habits and conventions which, if changed, would not affect our ability to produce or consume.

The bald statement of these facts does conceal several complexities. For example, the spread of hostile governments to significant areas of the world would have a profound and damaging psychological effect, even if it did not place us in direct physical danger. The facts do, however, make it plain that our foreign policy is potentially freer from the bedrock considerations of national security and economic health than that of any other power in history.

This relative freedom gives us an opportunity to pursue a foreign policy which can engage the pride and idealism of our own people, enhancing their well-being and lifting the quality of our civilization with vastly liberating effects on future generations. The American people are not only willing to support such a policy, but need it. It is no accident that President Kennedy's best remembered line is the famous "Ask not . . ." or that the Peace Corps received such an overwhelmingly unexpected response. Leadership which appeals to confidence instead of fear will find a great thirst for idealistic mission among the majority. It has been present in times of war, and there is much evidence, especially on college campuses, that it is waiting to be slaked today.

Much of our present foreign-policy debate revolves around clashing espousals of isolationism. They are new types of isolationism, since our strength, our world position, and the decline of other powers make the old style impossible. On one side, to oversimplify, are those who wish our policy to be directed basically at opposition to real or apprehended physical threats. The twin elements of this view are containment and order. Its underlying plea is, "Leave us alone." On the other side are those who believe we have no right to influence other countries or to interfere in their affairs. This view is often accompanied by a disbelief in the reality of irrational passions, hatreds, and desires for conquest (except, perhaps, when it comes to the United States). Its plea is, "Leave them alone."

But there is also a non-isolationist strain in American history and culture—a sense of American mission—upon which we can draw. Certainly we cannot presume to dictate how the nations of the world should organize their societies. But we do have something to offer and to teach. We know that it is better for people to eat than to starve and that increasing individual prosperity is better than hopeless misery. We know that human well-being is increased by liberty of expression and belief, and damaged by repression and persecution. Peace is better than war, and the growth of effective international restraints is a necessary condition of peace.

Propositions of this type (and many more are possible) seem self-evident, even banal. So they are—until they are coupled with the assertion that the United States has a responsibility to realize them on a global scale. To the extent that we act on them now, it is in a token and fragmentary way; therefore, for all the rhetoric, they are not an important part of our foreign policy.

A foreign policy grounded on *this* ideology would look far different from much of our present conduct. We would devote large resources to the economic development of the poorer countries. We would alter the patterns of trade to encourage worldwide industrialization. We would direct our support and friendship to those nations trying to create such conditions, regardless of their shifting political attitudes, unless they were to rise to the status of a real and physically menacing enemy. We would take the lead in mobilizing serious international opposition

to large-scale persecution and oppression, and be content to regard an occasional vote for a diluted United Nations resolution against apartheid as a triumph of idealistic liberalism. We would recognize that revolutionary violence may sometimes be necessary to eliminate deeply embedded institutions and values which obstruct both justice and progress.

None of these policies, or the turbulence they might often help create, would—except in very special and unusual circumstances—endanger either our security or our economy. On the contrary, they would contribute to the emergence of a community of shared values and expectations within which we would undoubtedly be safer and more prosperous than ever. It would be our kind of world. The forceful pursuit of such policies would have an impact on the spiritual welfare of American society which would radiate into every aspect of our domestic affairs. We would stand for something, not just rhetorically but in engagement, and that sort of ideology would generate its own consequences in action.

A foreign policy of this kind would represent realism in its clearest and noblest form. To sacrifice basic beliefs and goals to the apparent demands and interests of every passing problem and conflict reflects both timidity and lack of imagination. In the long run such a course can only lead to a world environment in which even our narrowest material and physical interests are unsafe, to say nothing of its inevitably erosive effect on the idea of American civilization itself. We are fond of historical parallels. They should convince us that in the conditions of the modern world a policy founded on generosity and idealism is the only policy that is pragmatic and realistic, conducive to national grandeur and, ultimately, to national survival.

### III

As important as the content and direction of public policies are the methods and structures used to carry them out. Initially, the elaborate structure of American federalism mirrored the judgment that a great deal should be left to local authority. For decades we have been moving in the other direction. Not only is this a dangerous and, as I believe, a mistaken course, but it is becoming clearer that certain substantive objectives utterly depend upon fashioning fresh techniques. Modern poverty, for example, cannot be abolished by friendly edicts from remote officials, and even if it could, the result would be sterile, vacuous, and purely material.

The blended goal of structure and policy alike must be to meet specific ills through methods which can in themselves enlarge the sense and reality of individual relevance and participation. The way to accomplish this, at least on the political front, is through decentralization—by assisting and compelling states, communities, and private groups to assume a greater share of responsibility for collective action. In other words, both burden and enterprise must be shifted into units of action small enough to allow for more intimate personal contact and numerous enough to widen the outlets for direct participation and control.

Such a shift, although it faces many problems, is both the most practical and politically realistic of all the ideas discussed here. From the community action program of the war against poverty to the private organizing efforts of Students for a Democratic Society, we are being given tangible proof of the viability of the decentralized approach. If these programs have been inadequate, it is only because they have so far been unable to overcome the ingrown and embedded obstacles to popular participation: the men and interests threatened by a transfer of power.

Notwithstanding this resistance, the idea

of decentralization is making its first timid and tentative appearances in political rhetoric. It is possible to predict that the first party to carry this banner (if buttressed by a solid program) will find itself on the right side of the decisive issue of the 1970's. At the moment the idea hovers elusively between liberal Democrats and liberal Republicans. Both face built-in political barriers. For the Democrats it is the difficulty of overcoming ideological attitudes which place the burden of salvation on Washington. For Republicans it is the more obstructive necessity to mollify those conservative elements which oppose any social action by government, whatever the techniques.

Yet the issues involved in decentralization are remote from the old struggles over states' rights and big government. Those struggles centered on the question of whether any effort at all should be made to solve social problems through collective action and public resources. Decentralization, however, assumes that this question is resolved affirmatively, and sees the issue as one of structure and organization (and power). Even modern conservatism is moving closer to a benign view of decentralization. In his campaign for Mayor of New York, Mr. William Buckley argued for city action against problems ranging from air pollution to the scarcity of bicycle paths. He opposed federal intervention because it was "none of their business," making his objections to government action more geographical than ideological.

Although decentralization is designed to help combat the social and spiritual ills of fragmentation, it also responds to the fact that centralized bureaucracies tend to become increasingly ineffective and coercive in direct proportion to the scope and intricacy of the problems they are established to solve. This was less apparent when much of government action consisted of grants, subsidies, or insurance for individuals. It is not difficult to write checks. Now, however, we must apply complete technical and planning skills to wide-ranging difficulties. One need only look at the fantastic labyrinth of welfare programs, the monstrous incapacities of the Department of Health, Education and Welfare—operated by one of the best teams of executives in government—as well as the foreseeable futilities of the new Departments of Housing and Urban Development and Transportation, to realize that something is wrong with the old approach.

Decentralization would not only shift responsibility to state and local government. Private groups would also be involved, either by government (as in the community action program of the war against poverty) or through their own, self-generated efforts. By thus directly engaging individuals, and giving them a sense of participation and commitment, we could stimulate the desire for goals toward which many remain indifferent or even hostile while they are the province of a removed and abstract central government. If, for example, we could involve large numbers of Americans in programs of help to underdeveloped countries, they would become increasingly convinced, and even passionate, about the moral and political necessity for such programs.

Responsibility is the breeder of ability, and by assigning responsibility—real responsibility for important matters—decentralization would help improve the talent engaged in local government. Hours are spent in town councils arguing about the placement of new traffic lights, while the great issues are debated in Washington. It is little wonder that men of vitality and ability are reluctant to serve or else quickly lose their enthusiasm. Even so, the importance of political life is already attracting more able men into local public service, and the ability to solve problems is becoming a requirement of election to state houses and city halls.

Decentralization is not abdication. It is

possible, as I will outline, to set standards for local action and by enforcing these standards to raise the level of performance. Different problems will call for different structures, requiring a great deal of political creativity and experiment. But there are common obstacles and methods of approach.

In a moment I will discuss some specific examples, but the guiding principle should be the transfer to local government or private groups of the needed resources, and the responsibility for decision, action, and policy in accordance with national standards of varying degrees of specificity. We are already doing this, to some extent, in programs ranging from the war against poverty to the construction of waste treatment plants on our rivers. (Standards, incidentally, can be educational rather than coercive. Often local groups are unaware of the dimensions of a problem, nor can they command the technical and intellectual resources necessary to devise solutions. A small but fascinating model of the educational approach is the President's Committee on Physical Fitness. That committee drew up model programs of physical training for schools, community organizations, and individuals. Though it had no regulatory power and hardly any money, the result has been a flourishing of physical-fitness programs across the country. The same technique might well be applied to the formulation of model school curricula, child-care centers, traffic-control programs, etc.)

The fact that local government lacks the resources—financial and human—to cope with even its present difficulties is a powerful barrier to decentralization. Walter Heller has proposed that the federal government simply turn over, presumably on a per capita basis, some of its revenue to the states. I am a great admirer of Mr. Heller and respect the liberal impulse behind his idea. It is, however, a counsel of defeat. It anticipates that Congress will react to rising revenues by cutting taxes rather than by helping the poor or rebuilding our cities, and it hopes to forestall this by transferring revenue out of congressional hands and out of the national budget (an objective which some conservatives have not fully understood.) Thus the Heller Plan assumes that the politics of inertia—where programs are neither eliminated nor substantially increased—will dominate the federal structure. It also subsumes the praiseworthy faith that state governments will use this money for critical public needs. Actually, however, some will use it well and some will not. Depending on what the states do with the money, the Heller Plan may or may not increase the resources available for social problems, and could even lessen them. I expect that a higher level of local ability and public purpose will be set by the mounting responsibilities which come with decentralization. This does not mean, however, that the necessary ability and integrity are already sitting in every state house, crippled only by lack of money. It is a notorious fact that many state legislatures are more responsive to private interests, from loan companies to home builders, than is the Congress. Under the Heller Plan, it is quite possible that New York residents may end up paying federal taxes to reduce the tax burden on property owners in Indiana. Moreover, some assurance is needed that revenue collected across the nation is not sent to areas where its benefits are denied to Negroes.

Many of these problems can be avoided, and state competence raised, by turning resources over to the states for concrete purposes and with specific standards of performance, rather than by lump-sum payments. In addition, we may find that it is not the state but the city or smaller communities and private groups which are the appropriate units of action. Decentralization should go further and deeper than the state house. The Heller Plan might be worth trying if

there were no alternatives, but there are many alternatives. They vary in the extent to which they restrict and direct state and local use of nationally collected resources. They provide a great deal more flexibility and a strengthened assurance that critical needs will be met. Since I am not an economist, I only speak in general terms about matters which are highly technical in detail.

*First*, we can establish federal standards and guidelines in specific areas—e.g., housing or pollution control—and allocate funds to the local units which meet the requirements. This is the structure of the anti-pollution program for rivers and the new Demonstration Cities Act.

*Second*, there is the possibility of credits against federal income taxes for additional state taxes that would be earmarked for particular purposes like education. There would have to be some safeguards against the transfer of state revenues to other purposes in order to reduce local taxes, and perhaps also a rising base line could be established which would take growing state population and wealth into consideration.

*Third* is a variant of the Heller Plan: general appropriations to local authorities for a variety of specified purposes, such as health, education, housing, training, etc., allowing the state or locality to set its own priorities. Of course, tax credits can be used in the same way.

I am sure there are other fiscal devices for example, allowing states to require tolls on the interstate highway system if the revenues are devoted to certain public purposes) which might also serve to increase the resources available to states as an instrument of decentralization.

Money and programs are useless without competent people to administer them. Although imaginative political leadership will sometimes recruit men of unusual ability (as Richard Lee has proved in New Haven), human skill is harder to find than cash, both because able men are not often attracted to local government and because we lack trained people. As greater responsibility flows outward from Washington, and as the work of states and communities becomes more important, public life will become more and more attractive. We will, however, have to make a generous national effort to train people for public service—something we have been slipshod about even at the federal level, where the defect has become more serious as problems have become more technical.

Again the viable techniques are numerous. Let me mention a few possibilities: federal grants to universities to establish training programs, perhaps even a foundation similar to the National Science Foundation; federally-financed training institutes, for young men or established civil servants, either under national auspices or under the control of regions or states; subsidies for the salaries and expenses of highly skilled people; model codes for government workers, embracing incentive, tenure, recognition, etc. Perhaps a Governors' Conference could set such projects in motion. Many similar things are already done in other fields. For example, federal effort—seed money as well as full support—has enormously increased the number and quality of men and women engaged in scientific research. Certainly public service is no less important. Of course, even this effort will not coerce able men into public service, although it may help multiply their numbers and develop their talents. However, the Peace Corps and poverty program, the civil-rights movement, and my own observations across the country have convinced me that large numbers of our citizens are seeking some effective way to serve society, and they are often willing to give up the attractions of private life for such an opportunity. If we do not provide them with the chance, our most valuable national resource will be dissipated.

I do not wish to elaborate on the many concrete areas where decentralization of activity is immediately practical. These will be limited only by our political and technical inventiveness. We already have several experiments to point the way. Still, it would be unfair not to give a few specific examples of realistic applications. I will sketch these examples in general terms. Carrying them out will require rigorous and detailed work. The Peace Corps was a few sentences in a campaign speech. The law establishing it takes up many pages.

To begin with the most difficult area of all, foreign policy: it is desirable and possible, and it may even be necessary, to turn over a substantial part of the foreign assistance program to state administration. Let me give an example of what I mean. The single most important economic problem for the developing countries is agriculture. The large majority of their populations work the soil. Agricultural development is essential for food, to lessen dependence on foreign imports (thus conserving foreign exchange), and to provide a market for industry by raising the income of farmers. The United States has an enormously successful agricultural economy, and the skill, know-how, and energy which built that economy can be found in the states rather than Washington—in the great agricultural universities, state departments of agriculture, and among private associations of farmers and growers. Several years ago it was proposed to President Kennedy that we ask a particular state government to administer our agricultural development program in a specified country or countries, giving the state all federal money set aside for this purpose. He was enthusiastic and wrote two or three personal memoranda to the State Department urging action.

The subsequent inaction was a dramatically illuminating example of the ability of a bureaucracy to frustrate a President. Nevertheless, it could not ignore him entirely. The first project (which was to be "experimental" even though the President had already decided on the general policy) was to ask the state of California to run the agricultural program in Chile. California has many of the same problems and crops, similar variations in climate, and even looks like a very fat version of Chile. Its population is larger, with approximately the same acreage of arable land, and it still manages to export 80-90 per cent of its production while Chile has to import food. I was a member of the team which went to Sacramento to discuss the project with Governor Brown. He was as enthusiastic as the President had been, and nearly all the concerned officials of his government shared his enthusiasm. They devoted many hours to planning and discussion, promised to invest substantial energy in the program, and to hire additional people. All this culminated in the signing of an agreement in the White House by the President and the Governor.

The project has not lived up to expectations, primarily because AID was unwilling to let go of the responsibility for a large part of its program. Yet it is just this kind of delegation of full control with its political and dramatic impact which is essential to any statewide feeling of significant participation. The arguments for it are, in my view, overwhelming. The states are better at agriculture than AID can ever hope to be and would do a better job. Although the states would be spending federal money, the drama, the publicity, and the fact that leadership was coming from the state house would inevitably summon widespread contributions of money and talent from the private sector and local government. Growers' groups might offer technical assistance, while high schools might establish exchange programs. Communities would "adopt" counterpart communities in the developing country. The possibilities are endless, and enough of them

began to appear in California to prove they were realistic.

Such a program would give thousands of individuals and organizations the chance to participate in one of the most important overseas ventures of the American nation. In the process we could help create a broader political constituency for foreign aid. No longer would foreign aid be a remote endeavor through which a few anonymous bureaucrats in Washington hand over large chunks of taxpayers' money to equally remote people in some unknown capital. There is little doubt of the basic compassion of Americans toward other countries or of their interest in the people of foreign lands. Any foreign visitor who has lived here for a while can testify to that. But the current program does not touch these basic emotions, because it is abstract and removed. As a result, the foreign-aid program, morally imperative and vital to our interest, is doomed. It was that sense of impending doom which helped explain President Kennedy's interest. And the intervening years have seen a steady erosion of a most generous and necessary concept until its relationship to the problem is ludicrous, pitiful, and tragic. The 1966 election is an ominous augury that we may even be facing its extinction.

Another prospect for decentralization, and one closer to home, is the American city. We know that the problem of the cities is enormously complex. It is not one problem but a hundred: urban renewal and rehabilitation of rundown structures, new financing techniques and private development corporations, control of land speculation and new suburban slums, breaking up ghettos and giving people a place to play in, efficient transportation and mastery of the automobile. We may need to rebuild entire central cities or construct huge new satellite metropolises. The condition and future prospect of our cities are the greatest single threat to the quality of American life. Many who live in major urban areas are already the victims of conditions which confine, stifle, and degrade their daily existence to an extent unthinkable half a century ago. Nor is this a problem for the poor alone. They are the chief victims, but all must breathe the air, fight the traffic, do without nature, and worry about violence.

Instead of a scattered attack on particular problems, we must begin by asking what kind of city we want to live in, and what kind of approach the problem on this spacious scale, we see immediately that uncontrolled growth and change must be replaced by long-range planning which encompasses the entire urban area across municipal and state lines. And we see, too, that the cities do not have the money to meet their problems.

I believe we should adopt a Marshall Plan approach to the problems of the American city. Resources, on a large scale would be made available to those urban areas which prepared a comprehensive program for future development, embracing urban policies as diverse as land use, housing codes, tax structures, and water systems. The federal government could give technical assistance in planning, set certain standards, and ensure that the program was being carried forward. But the basic responsibility for decision and action would rest with the city and its people. This would not only help meet the more general imperatives of decentralization, but would provide a powerful incentive for the cooperation across historic political jurisdictions which is the condition of effective action.

There are many other areas in which decentralization is possible. Anti-poverty and job-retraining programs should be increasingly handed over to community groups instead of being drawn, as they now are, closer to the federal government. Aid to education might well be administered to a far larger degree by local boards, subject only to the

most general standards. Instead of threatening to draft all young Americans for public service, we could encourage and finance a host of varied volunteer groups to perform public services at the state and community level in order to provide an outlet for those many citizens still anxious to find an answer to the question, "What can you do for your country?" Many federal installations and services could well be subject to greater local supervision. For example, we might establish local boards of directors for post offices, permitting the community to decide, within the limits of available resources, the kind of postal service they require, even hire and fire postmasters and, at least, to air their complaints.

Much of this will appear sloppy and chaotic. Some of it will certainly be confused. It is always easier to yearn for the illusory neatness of central direction and control, under the assumption that it is more effective. That assumption has often proved wrong in the past, and it must now be questioned across the board of federal activity. Even if we do add to confusion, that is a small price to pay for the benefits of decentralization. Confusion may even turn out to be creative. In fact, I cannot remember a single unconfused government organization that ever produced an important new idea.

I do not assume that proposals such as these will cure what Norman Maller calls "the plague" of modern life or halt the flow toward fragmentation and futility. Politics is only part of the story. The values, ideas, and instincts of our modern condition may be too relentless to yield, even slightly, to leadership and political invention. Perhaps the changes required are far more convulsive and profound than most of us can formulate. As a practicing politician, I can only hope for and speak of those things which seem to reach toward the limits of foreseeable possibility.

#### REFLECTIONS—SOURCES OF THE PUBLIC UNHAPPINESS

All political movements are efforts to redistribute power. That's all politics can do. It can't create wealth or bestow happiness. It can, however, grant to people and institutions the power to decide public issues that can affect our economic welfare, the physical setting of our lives, and even our personal contentment. The character of men chosen to hold office, the nature of the office, and the limits placed on the range of the officeholders' public actions often determine the substance of those decisions. That's why politics is important. The United States government has been unusually stable partly because political issues have rarely been discussed in terms of power. Candidates promise to help the poor or suppress them, to end wars or escalate them, to reduce spending or rebuild cities, and sometimes to do all these things at once. Rarely do they challenge the distribution of power directly, even though their policies may compel large shifts. (For example, in the course of fighting a depression the Roosevelt Administration took much of the power of economic decision away from scattered private centers.) This observation yields at least one useful dividing line between the blending concepts of evolution and revolution. Evolution occurs when power shifts in the course of an attack on particular problems. A revolution is a direct and explicit assault on those people or institutions that hold power in favor of those that want it. (Of course, particular grievances help trigger revolutions, as, in our own, opposition to British taxation became opposition to British rule.)

The temperament we brought from Britain, combined with extraordinary resources taken from nature and the Indians, has made us a rational and pragmatic people—the creators of an evolutionary nation. (That is not the

whole story, of course, since it is possible to be rational and pragmatic in pursuit of foolish or monstrous goals, but one source of values is an acute sense of possibility.) Generally, we become aware of a problem, decide to solve it, and, in doing so, find that reason or expediency require some change in the structure of power. We may set up a new government bureau or pass a law. Today, however, we are in one of those rare periods in our history marked by a large and serious revolutionary movement. There is serious discontent not only with what we as a nation are doing but with who is doing it. There is a challenge to the "power structure" itself, which means simply the methods, institutions, and people by which decisions affecting the public are made. We see this explicitly in the recent pronouncements by George Wallace, the manifestos of the New Left, and the demands of black militants. However, it is also a principal focus for the new politics of the middle class, as the response to Eugene McCarthy and Robert Kennedy revealed. Although this "movement" takes its tone and its issues from the nature of modern life, it returns us to the seminal debate between the forces of Alexander Hamilton and those of Thomas Jefferson. That, too, was a debate about power. Putting aside the relative merits of Jefferson's agrarianism and Hamilton's capitalism—both largely irrelevant—one side of the argument called for the centralization of power, in the interests of order and the economy, and the other, Jefferson's side, demanded the diffusion of power and the right of the citizen to participate in decisions, even at the price of economic efficiency. (Today's conservatives are trapped in the insoluble dilemma of demanding more order, even on a world scale, and less power for government, but when a choice is forced, they invariably prefer order; this is why the new conservatives, like Goldwater, are rejected by the old conservatives, like George Aiken, of Vermont—one lives by fear and the other by trust.) For years, textbooks have routinely praised Jefferson's idealism while asserting that Hamilton's view was the wave of the future, bound to dominate American development for all time to come; Jefferson was a wonderful romantic, and Hamilton was the realist, and in proof of this historians invoke Jefferson's own conduct in the Presidency, which aggrandized the nation.

Whatever modern revisionists do to this traditional analysis, it appears that Jefferson's day may yet come. Much that he said, if it were stripped of eighteenth-century staidness and equipped with one or two four-letter words, could be incorporated into an S.D.S. manifesto or shouted at a Yippie rally. For example, he warned, "Were we directed from Washington when to sow, and when to reap, we should soon want bread," and "When all government . . . shall be drawn to Washington as the centre of all power, it . . . will become as venal and oppressive as the government from which we separated," and "If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care." And he stated his general principle of government by asserting, "It is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected." (Almost a century later, Emerson added the advice to "do your thing" to this political theory, which also contained warnings against a military establishment, foreign involvements, and any use of coercive power.) Today, these Jeffersonian ideas have a greater vitality than at any other time since they were written. If anything, their relevance has been increased by modern technology, for it has stripped us of the protections of distance and time, which once compelled a certain diffusion of power.

The issue of power—who shall have it and how it shall be exercised—is the overwhelm-

ing political issue of modern times. In fact, it is far more than a political issue; it penetrates our social, economic, and personal life. Nor is it simply an American problem; it plagues the entire affluent West. And if it is different in the developing countries, that is only because they are preoccupied with urgent difficulties of poverty and oppression which we have largely overcome. Thus, their politics reflect more traditional clashes between economic and social groups. This issue, more than any other, explains the appeal and the ascendancy of Senator McCarthy and, more ominously, the attraction of George Wallace. It is now a source of enormous turbulence, but it can become the cement of a new style of national unity. The year 1968, with its monstrous dislocations, has forced this issue to awareness. The campaign against President Johnson was one of the currents that helped bare the roots of public unrest. At the beginning of 1968, the country, although far from quiet, seemed set in a relatively conventional political pattern. The President would run for reelection, stressing his domestic accomplishments and defending the war in Vietnam. To those then in power and to expert outside observers, Senator McCarthy's campaign seemed a trivial and somewhat puzzling annoyance. The Senator himself said at first that his purpose was only to give people a chance to make a "reasoned judgment" about the war, to conduct a sort of "referendum" on Vietnam—and ultimately his campaign illuminated and reinforced an overwhelming public discontent with our policies in Vietnam. As he campaigned, however, it became apparent that the public unhappiness far transcended the war. If Senator McCarthy had campaigned on that issue alone, it is doubtful if he would have received more than twenty per cent of the vote. But other issues began to emerge. People were unhappy about our leadership, about the direction of our society, and about President Johnson personally. They gradually became engaged and then excited by the possibility, however remote at the time of the New Hampshire primary, that it was within their power to bring about change. McCarthy's campaign rapidly shifted to embrace these larger issues, placing less and less emphasis on the war itself. In the final two days before the vote in New Hampshire, his campaign repeated a single radio spot every half hour on every station: a voice simply urged, "Think how you would feel to wake up Wednesday morning to find out that Gene McCarthy had won the New Hampshire primary—to find that New Hampshire had changed the course of American politics." By then, there was little doubt that many of those who stopped to think would quickly realize that such an outcome would delight them.

For the campaigners had uncovered the "gut" issue of 1968 in its most generalized and explicit form: the desire for change, and its mirror image of discontent with the present. Equally unanticipated, but inevitable in retrospect, was the arrival of students, first by the hundreds and then in numbers so large that busloads were intercepted on the roads to New Hampshire because the campaign organization could not handle them all. They came because they opposed the war and the President, but they also came because they had an opportunity to share in the political process, to personally affect important issues. They participated for the sake of their convictions, but they also participated for the sake of participating.

As his campaign progressed, McCarthy introduced a new kind of discourse. He talked about the war and the cities and many of the classic political staples, such as taxes and inflation. But, in addition, he said that the role of government was to liberate people, and not to organize them, that the Presidency had assumed too great power, and that we were threatened by an arrogant and

powerful military establishment. These were very abstract ideas for politics, and perhaps it was as much the manner and style of the man as anything else that conveyed the message. He did not use the traditional rhetoric of the politician, and he did not feel compelled to present a program or an answer for every ill. But he seemed to be saying that our welfare and our lives did not have to be at the mercy of forces we did not understand and institutions and men we could not control. In so doing, he touched the most sensitive nerve in the American consciousness: the individual's desire for mastery over his own life and environment.

At first, people talked almost exclusively about McCarthy's appeal to the young, and today it seems we have come back to that misunderstanding by focusing on youthful protestors. However, much of McCarthy's support and most of his votes did not come from the young, or the intellectuals, or the liberals. His strength was among the members of the great middle class, the inhabitants of suburban America, who are—more than any other group—our rebels without a cause. The students and the urban poor do have a cause, or a multiplicity of causes: war and injustice and poverty. It is the middle class whose discontent and uneasiness lack aim, and some of whose members found through McCarthy a hope that purpose and value could be restored. How different this is from the usual political dogmas. For these supporters were not asking to be promised better schools or lower taxes, although they want them. They were looking for some way in which they could regain control of and play a real part in the enterprises of society. It was this same nerve that Robert Kennedy touched in two other groups—the blacks and the poor whites—when he talked of the need for community control and local power. No one was more surprised than Kennedy himself when he found that, next to peace in Vietnam, the words that brought the loudest response were a call for decentralizing the government—a term so ponderous that a skilled speechwriter would use it only when he was too tired to think of anything else.

It would be hard to overstate the extent to which the malaise of powerlessness has eaten its way into our society, evoking an aimless unease, frustration, and fury. It is probably less pervasive among the poor urban blacks, around whom so much of the surface debate about local control and Black Power now revolves. Their grievances are, for the most part, closer to the classic ills that the New Deal was designed to solve.

They want jobs and decent homes, a higher standard of living, and freedom from the welfare bureaucracy. If a beneficent government were to provide these rudimentary components of the just life it would meet most of the present demands of the black community. Of course, even among America's poor, questions of power are more important than they were thirty years ago. For the poor of today are inevitably caught up in the main currents of our society and partake of the general atmosphere of helplessness and drift, and the resistant nature of racial feelings is forcing black Americans toward a kind of separatism as an alternative to the assimilation that was their initial goal. However, these questions can be seen most acutely among those who are neither poor nor black—the American middle class, or the American majority. Their psychological plight is both worse and more dangerous than that of the black militant leading a slum riot. For he at least has a cause and a purpose, an enemy, and comrades in the struggle. No such outlets and no human connections so satisfying are available to the man who lives in a middle-class suburb or a lower-income city apartment. And his discontents, unlike those of the poor, have real political weight.

It is impossible to provide an accurate and uniform description of a group of people as large and varied as non-poor Americans. For the most part, such an American commutes to a job that he may like or hate but is most probably indifferent to—indifferent not to the income or status it provides but to the products of his labor. It is the job that counts, not the refrigerators or vacuum tubes he produces.

He would be among a minority if he felt that his work made an improving difference to the life of his country or his neighbors. At home, he can either sit amid his many purchases or get back into his car and drive to visit friends. There is probably no place for him to talk, and, almost certainly, no neighborhood gathering place where he can meet with friends, discuss the day's events, and share in the satisfactions and concerns of community. If he stays home, he probably watches television, wishing both that he had something better to do and that he could buy the goods that float alluringly across the screen. It is this increasingly atomized and insulated existence that we have created with our wealth. And if this is the suburban man's life, how much less exciting is that of his wife. Perhaps she has gone to college. Yet she does not have a job, nor are there many outlets for her intelligence or her energies. She is expected to stay home, care for children, and shop and clean house, even though hospitals and schools and many other vital services are deteriorating for want of the skills she could provide. What an incredible monster women's education has become. We spend decades instilling the same values of competition and achievement in girls as in boys, even though we can clearly foresee an ultimate collision with the socially imposed responsibilities of housewife and mother and with the mythic compulsions of lover and servant-helpmate. Some of the most ambitious women in the world hasten to confide that they have an "Oriental" streak, as well they may have. The society that sets up this clash of desires provides neither day-care centers for children nor opportunities for the use and development by women of their wasted skills. The frustrations thus generated are aggravated by the absence, especially in our better suburbs, of any communal park or neighborhood center where women can naturally meet and share experiences.

The life of the lower-income urban white shares many characteristics with that of the suburban citizen. However, the urban white is also trapped in a no man's land between black poverty and what he sees or imagines of middle-class affluence. He has the advantage of being able to express many of his wants in traditional economic terms. However, his discontent is fed both by envy of the more prosperous and by anger at the blacks—not just because he fears the blacks but also because their problems, and not his, seem to be the focus of national concern. That is why it was possible for many members of this group to support Wallace after having supported Robert Kennedy: both men, in very different ways, could be identified with their wants, and both conveyed a deeply emotional sympathy with the importance of their fears and their plight.

The unexciting and envy-producing tone of the non-poor citizen's private life is heightened by the growing remoteness of public life. The air around him is poisoned, parkland disappears under relentless bulldozers, traffic stalls, and jams, airplanes cannot land, and even his own streets are unsafe and, increasingly, streaked with terror. Yet he cannot remember having decided that these things should happen, or even having wished them. He has no sense that there is anything he can do to arrest the tide. He does not know whom to blame. Somehow, the crucial aspects of his environment seem in the grip of forces that are too huge and

impersonal to attack. You cannot vote them out of office or shout them down. Even the speeches of mayors and governors are filled with exculpatory claims that the problems are too big, that there is not enough power or enough money to cope with them, and our commentators sympathize, readily agreeing that this city or that state is really ungovernable. Even when a source of authority can be identified, it seems hopelessly detached from the desires or actions of individual citizens. Thus, the citizens of Boston woke up one day not very long ago to read that two hundred million dollars' worth of antimissile missiles were scheduled to replace hundreds of acres of nearby woodland. And who could say no? And who was asked? More grotesque and more shattering, we find ourselves in a major war, and our young people shipped off to battle, without any formal expression of consent or support, even by the members of Congress. And we are also aware, in some dim psychic recess, that our President, along with a few people whose names we can't remember, can blow us all up.

This powerlessness, in large measure a product of the complexity and the sheer size of modern society, is a problem in itself. It is a problem in the same way that lack of money or of useful work is a problem. For individuals have a fundamental, instinctive need for a degree of personal mastery over their lives and their environment. The sense of powerlessness is, moreover, greatly aggravated by the failure of our institutions and our social processes to respond to more specific ills. If we were providing good schools, inspiring cities, and safe streets, the degree of public discontent would be far less. If the quality of individual life were being steadily raised, we would be less concerned that we had little share in the process. But that is not the case. The desire to increase our national wealth and distribute it more broadly—a desire that was idealistic in origin and welcome in its consequences—led us to create machinery for both stimulating and regulating the economy. It is not simply that power was withdrawn from private centers and brought to Washington. It is that the use of that power was judged in terms of economic growth, which meant that construction, technology, and expansion were made into self-sufficient virtues. Build a better mousetrap or a bigger housing development and you not only made money, you were a hero of the Republic. Added to this were the exigencies of the Cold War, which persuaded us of the necessity of a large standing army. This was a historic decision, constituting the first irrevocable departure from almost two centuries of compliance with the warning of the founding fathers that such a military force would be a danger to democracy. The military-budget cutting of President Truman marked the last effort to return to the earlier tradition, and the farewell speech of President Eisenhower was an echo of those early warnings. The half peace of the past twenty years has made military forces essential, yet we are victims of some of the consequences against which we were warned. The military establishment has assumed a life of its own, developing more weapons and new ones, often unrelated to rational considerations of security, and, more subtly, leading policymakers to look at diplomatic problems in terms of force. After all, if you are the strongest kid on the block, any passionate argument is bound to evoke at least the passing thought that you could end it with a couple of blows.

Unfortunately, the policies and the institutions we evolved to make ourselves wealthy are not appropriate to the needs of a society in which lack of wealth is not the problem either for the country as a whole or for most of the people. It is not simply that we need new values but that our institutions are facing demands they were never shaped to meet. A classic example is the federal housing pro-

grams, which were designed to stimulate construction and avoid a postwar depression, and which have failed miserably under the pressure of social demands for slum clearance and the creation of livable neighborhoods. These programs can do a job, but it is not the job we now need done. Moreover, many of our institutions, including our political parties themselves, are led by men who developed their ideas in response to earlier demands, and are therefore unable to understand or cope with a newer set of problems. The worst of these men no longer care for anything except the power and influence they have won, and the best of them are angry because their beneficent and humane intentions are not appreciated. The occasional violence of their response to opposition shows their unawareness that time and change, not particular individuals, have been their remorseless critics.

Asking many of today's institutions to respond to new needs is a little like putting a man on a windowsill and asking him to fly. Not only was he not built for flight but if you keep insisting he's likely to turn around and punch you in the nose. When institutions and leaders are faced with demands they barely understand, their reaction is often to become rigid and defensive, and even angry. Perhaps the ultimate symbol of this reaction was the contorted fury of Mayor Daley at the Chicago Democratic Convention, lashing out at a group whose values and aims were totally alien to his experience. It is precisely this phenomenon that led Thomas Jefferson to assert the necessity of periodic rebellion. It seems almost inevitable that the repositories of power and control will react to changing circumstances and a changing environment by hardening their attitudes, narrowing the avenues of access for new ideas and men, and losing the flexibility that gave them their initial glow and effectiveness. What is even more ominous, beliefs that were once tentative and responsive to changes in circumstance tend to stiffen into dogma when confronted by conceptual challenge. When this happened in the nineteen thirties, we were fortunate enough to get Franklin Roosevelt and a peaceful revolution. When it happened in the eighteen-fifties—a period like our own in many ways—the system collapsed in civil war. Unfortunately, the profound nature of modern change resembles the eighteen-fifties more than it does the nineteen-thirties, and there is no Roosevelt in sight.

The same stiffening of established patterns invades the relationship between private institutions and the public interest. The basic pattern of government regulation of business has hardly changed for decades, although much of it is irrelevant, some is oppressive, and many new abuses are unrestrained. The Internal Revenue Code of 1954, despite its grotesque inequities—some of which are actually harmful to wealth and business—appears to be engraved in marble. We cannot stop incredibly wasteful subsidies to groups like the shipbuilders and large-scale farmers, even though their political power has almost evaporated, while at the same time it is extraordinarily difficult to supplement the income of more needy and numerous groups. No demonology of power and wealth can explain a rigidity that is part of a general resistance to new assertions of what is desirable and good. When we understand the fact that what now seems wrong may once have been right, then we can understand the fierceness of the defense. Another example of this process in action is the Democratic Party itself. It has clung to the ideas and attitudes that made it the country's leading party, and its leaders, once ensconced, have clung to positions of control, often closing the door behind them. The result is that the governors of eight out of the ten largest states are Republican, and much of the vigorous new

talent in the Congress is Republican. Increasingly, "new Democrats" are coming from underpopulated states like Idaho, South Dakota, and Iowa, where they do not run up against rigidified Party structures. More harmful in the long run is the shift in the locus of intellectual debate. It seems that almost all the ideological ferment and the passionate clash of new ideas come either from the alienated left or from the alienated right. The once fertile soil of liberal and Democratic thought finds it difficult to produce new concepts or institutions, and its Presidential candidate could only—and with the best of intentions—point to the liberal past and promise more and better of the same.

This phenomenon is not just political. In almost every aspect of life, men are confronted by institutions and processes that seem unresponsive to their needs. There is, for example, no way in which the citizen can even begin to create a community—a place where he can both work and play in some kind of shared fellowship with neighbors. Our society is simply not equipped to deal with such a demand, and our political leaders are not even able to articulate it, since it transcends their own professional assumptions.

Powerlessness is made more acute by the seeming opposite of rigidity—by the swirling inconstancies of modern life. We are like boats tied to a riverbank with the rapid waters constantly seething beneath us while rope after rope breaks away. It is now commonplace to observe the weakening of the ties of family and community. However, it is not merely that we are being deprived of important values. These institutions, and others, gave us a resting spot, an association within which we could have some secure sense of our own value and place regardless of our fate, in the world outside. In a more subtle and profound way, the increasing incredibility of religious doctrines and the complexities of science, which have made it impossible to understand the natural world, have deprived us of anchors against the storm of events. Even our physical environment has betrayed our memories. The other day, I drove through Harvard Square, where I had gone to school ten years before. There were new buildings, shops, and roads. The familiar place of law-school days had changed beyond recognition. In fact, it did not exist. There was no place for the past, and the present, one knew, would also fade. Yet man has nearly always anchored his sense of reality, his sense of himself, to a fixed place, amid familiar landmarks. Our world has become a nomadic as the scenery of our life is constantly shifted. It is small wonder if we sometimes feel as unreal as actors moving from part to part.

To all this is added the torrent of events: wars and riots, inventions and spaceships. One day we are informed that we must fear a man called Castro, on the next day that our security requires the end of strife in the Congo, and on the next that de Gaulle menaces the grandeur of our nation. And we pass through all this tumult, great and small, seated before the inexorable shadows of a television set—certainly the greatest psychic disturber ever created by man. Only it is capable of producing unrest, fear, and unbridled envy, and, at the same time, of numbing us to the human reality of that which disturbs us.

A people suffering from institutions that can't respond, problems that are virtually left untouched, and the myriad uncertainties of their own private and public existence must inevitably rise in protest. That is just what is happening in America. Frustration breeds anger, and anger has increasingly become a feature of our national life. Even people on the streets and in stores seem more easily provoked and more sullen. The most widespread reaction is a demand for

change, coupled with an increasing dislike and contempt for those responsible for the present. Few people can be expected to have any clear idea of the direction that change should take. The problems are too far-reaching and profound. So they look for leadership. And precisely at this point in our history we lack the necessary leadership.

For a while, in the early nineteen-sixties, it seemed as if President Kennedy were moving toward new responses as the old dogmas of the Cold War and of New Deal economics gradually lost ground. Oswald prevented us from ever knowing how far and in what direction that movement would have continued. The assassin's bullet unlocked chaos, and thus his act became the most important historical event of our time. In the beginning of the Johnson Administration, it seemed as if this barely articulated movement would continue, but then the poison of Vietnam paralyzed act and attitude. Of course, the war cannot bear the responsibility for all our other ills. It has contributed to them by draining off resources and energies, and, most of all, by blunting our sense of moral purpose. But to a large extent it has only catalyzed an awareness of more profound problems and intensified a protest that reaches far beyond Vietnam. We can almost say of ourselves what Lord Radcliffe said of the Athens of Plato: "Failure abroad had led to failure of spirit at home and a democracy, so recently united, self-confident, and proud of its leaders, had turned to a rout of little men more anxious to blame others than to take responsibility upon themselves."

There is no more foreboding fact than the absence of leadership that combines insight and forcefulness. A people increasingly beset by restless discontent and uncertainty need leaders who can point out to them some exit from their malaise. Much of our present uneasiness has specific causes: the war in Vietnam and racial strife. However, much of it flows from the deeper causes I have discussed, and even the widespread discontent with the war and with Negroes and hippies is enormously magnified by broader dislocations. These objects of passion serve as a necessary focus for the general unhappiness, just as a man troubled by the general failure of his ambitions might turn on his family or his coworkers or his neighbor. The aimless and chaotic nature of the present unrest has profound political consequences, for it is basically non-ideological; it does not respond to traditional notions of right and left. It is often oblivious of the shibboleths and dogmas that encrust politicians who came to maturity in an earlier era. Thus, Eugene McCarthy called for the recognition of Red China, attacked the military establishment, and promised to fire J. Edgar Hoover without causing a discernible ripple of adverse reaction in his moderate, suburban constituency. Still, many who favored him voted for Richard Nixon, or even for George Wallace. Even more dramatically, many of the lower-income whites who voted for Robert Kennedy in the Indiana primary and would have supported him for President voted for George Wallace. Yet one was the black man's champion and the other is his enemy, and race is supposed to be the most important issue in Lake County.

The fact is that the search for leadership is not motivated by a desire to move to the right or the left, to the extent that those terms are relevant at all. It is manifesting itself as a demand for men who offer a sense of direction and purpose, who appear to possess guiding values and a philosophical insight into the nature of our problems. The majority of people have little interest in the customary catalogue of programs and promises. Indeed, they no longer believe in them. They do want someone who seems to know why we are in trouble and where we should go. This explains a large part of George Wallace's appeal. He analyzed issues with a

simple clarity and proposed answers that were certain. In this respect, he was a leader. The one overwhelming consensus is in rejection of the present, and that was the decisive asset of Mr. Nixon's candidacy. In fact, many people are prepared to rebel against the entire system that has brought us to our present state of affairs. Part of McCarthy's appeal and much of Wallace's lay in the fact that these men appeared to stand outside the system. They did not talk in the increasingly hollow and banal rhetoric of most politicians. They spoke with candor, discussed new issues, offered fresh approaches. In different ways, each of them defied the traditional party structure, ignored the customary political rites, and incurred the hostility of party regulars. In McCarthy's case, his manner and language, although often abstract, conveyed a hope of beneficial change. Robert Kennedy's strength also derived not from his specific programs but from his manner, which radiated a passionate commitment to change. For the United States is prepared to move, and rather rapidly, either to the right or to the left. Or, in terms better suited to our time, it is prepared to move either toward repression or toward liberation. Tragically, both the leaders who promised most forcefully to take us toward liberation were removed—one by a bullet and the other by the Democratic Party. Now the President-elect, unless he is to prove only a transitional figure, will be compelled to initiate a process of serious change.

This is because you cannot simply soothe the discontent of today with traditional remedies. It is not only that many problems—the black ghettos, for example—will require immense efforts toward solution but that the forces that disrupt the mental peace of the more affluent have deep roots in our institutional structure and our historical circumstances. Race and Vietnam contribute, but we see a similar unrest all across the affluent West, in countries neither at war nor in the midst of racial conflict. In outlining some of the more subtle causes, I compared our present conditions to that of the eighteen-fifties. The United States was then turning away from expansionist goals and responsibilities; the conquest of the continent was complete, and, for almost the first time in our history, we had no significant external ambitions or threats. In our time, we are similarly turning away from Cold War globalism, and if we are lucky, Vietnam may prove the last, convulsive gasp of that policy. In any event, we are now looking to ourselves more intently than before. Far more important in the eighteen-fifties was that, underlying all the crises and the violent turmoil, a new industrial age was making its glacial advance on the values of an earlier period, uprooting fixed ways of life, traditional institutions, and customary expectations. America was never to be the same again—a change that was not caused by the Civil War but, rather, was undoubtedly productive of the rigidity of leadership and the human uncertainty that led to that war. In our time, also, a new type of society is tearing into the now settled patterns of the industrial age. It has not been given a name, for that is the historian's job. However, economic and population growth and changing technology and beliefs are creating a different kind of world, whether it is called the computer age, the atomic age, the media age, or simply the post-industrial age. This is a dislocation of a kind that is common to all periods of history but that happens only at long intervals in the life of a particular society.

It is rhetorical cliché to point out that our world has grown small. That is obviously true in a technical sense. We can travel rapidly and communicate instantly. It is also true in terms of the concerns of foreign policy, although much of our feeling that we must necessarily be affected by events in every corner of every continent is surely a product of the simple fact that we know

what is happening there, rather than of any ideological preconception or any concrete national interest. Yet for the individual the opposite is true. Our world is too big—too crowded, too abstract, too remote. Everywhere we go, the crowd of strangers goes with us, clogging our streets and our parks. Cities spread, computers perform their mysteries, world leaders cast their shadows and disappear. The comforting walls that set off a host of little worlds have been broken open, exposing to us a limitless and kaleidoscopic vista—one that is reflected in our fragmentary and borderless art and in the world of drugs. How many of us in turning inward to escape or make sense of a turbulent environment simply recreate external disorder, almost as if our time were now beyond intellectual grasp? That feeling in itself contributes to powerlessness. For understanding is a form of control, if often illusory, and when we cannot understand how things work or why they happen—whether laws of nature or the television pictures that are corrupting us—we feel helpless. Perhaps one can no longer understand the world—only experience it. If that is true politics can offer no real answer. And we must also face the possibility that there are too many people—that only through organization, and its counterpart, coercion, can we maintain civilized order among so vast a throng.

Such philosophical reflections, however, are irrelevant to politics, which must assume that problems can be dealt with, and also, in our own national context, that individual liberty can be maintained. If the forces feeding discontent are as profound and powerful as I have suggested, then political thinking and, ultimately, national policy must move toward an entirely new dimension. The last time the American establishment thought seriously about national goals was during the late Eisenhower and early Kennedy years. The formulations from this period of the more enlightened and liberal politicians are already out of date. A strong domestic defense establishment, economic growth, NATO, and so on, though they are still with us, barely touch the principal sources of our dissatisfaction. Other goals of that very recent time—such as the frantic desire to measure every national program, from education to overseas propaganda, in terms of competition with the Russians—are now irrelevant, and some are forgotten. Yet almost all our political leaders seem rooted in the old rhetoric, even if it is clothed in new facts and circumstances, and thus have lost their hold on the popular sensibilities.

The material out of which relevant national objectives can be shaped is at hand in the work of some social critics and a few economists, and even in the insights of a few of the more sensitive politicians. In the process, we must focus not only on solving "problems" as defined in the usual sense—education, pollution, and the rest—but also on the ways in which we solve them. This is a familiar idea within a democratic tradition that has, for example, valued many individual liberties above the alluring, if often illusory, efficiency of coercive techniques.

We have always placed certain abstract values—those which cannot be measured or weighed—above economic, logical, or physically tangible goals. Confronted with the overwhelming and uncertain complexities of modern life, and informed by a greatly increased awareness of our limited ability to predict or control the forces loosed by our obsessive industry and invention, we must add to the list of such values. They have traditionally included not only the rights mentioned in the Bill of Rights and allied civil liberties but equality of opportunity, the freedom to develop individual talent, and, more recently, freedom from starvation and destitution. And all these, imperfectly realized though they may be, still exert a powerful hold on our national thinking and

shape our political rhetoric and policy. I have no wish to coin a new set of slogans, but certainly the individual must also have the freedom to share in those public decisions which affect his private life beyond merely casting a vote in periodic elections. This does not mean a plebiscite on every problem but, rather, a distinct prejudice in favor of community and neighborhood control. We should also be guided by a desire to preserve freedom from isolation, which means, at least, that environmental decisions should be shaped to re-create the possibilities of community and neighborhood life. It is equally important that the individual be given freedom to participate in the important enterprises of our society, from working in the underdeveloped world to improving the life of the ghettos. If citizens are to find a purpose beyond their daily lives, it will come from having a personal share in important public causes, and the causes must be large and worthy enough to tap moral will and energy. Only in this way can we combat the increasing isolation and remoteness that are eroding the moral drive of our society.

Much of this resolves itself into a widening of one of the oldest staples of political language: freedom of choice. For all the talk about our permissive society, that freedom has steadily narrowed. In fact, much of the release of inhibitions on private behavior is surely a reaction to the confinements imposed by our ideology and social structure. (Successful revolutions tend to be puritanical.) When a young man sees no alternative to spending his youth in a classroom and his manhood in a modern suburb, he may want to assert himself by growing a beard. Conversely, the students who turned out to work for McCarthy cut their hair and shaved not because of adult dictates but through self-organization and self-discipline. They were involved in something more important than this kind of assertion. These are trivial things, but they are tokens of the fact that much frantic liberation of private behavior is a futile effort to alter or escape the hardening mold that envelops social man. We virtually demand, for example, that a young man go to college, and beyond, if he is to have a job that uses his abilities. At one time, a boy could go to sea or go West or start working in a factory and still aspire to success in a wide range of demanding tasks. The fact is that a lot of young men would develop more fully outside the regular educational system. The answer is not simply providing more and better schools but making alternative institutions, training, and experience available, and making them acceptable to those who guard the gates to achievement. Similarly, by huddling industry, commerce, and even intellectual life together in great urban areas we have seriously limited the kinds of places in which a man can live. Much of this is a product of the obsessive urge toward system and order and of the fact that as systems grow larger they swiftly outpace the individual imagination or intelligence and assume a conforming life of their own. It is almost as if our society were afflicted with some kind of compulsive neatness, which it equated with efficiency or high purpose.

The fact is that organizational neatness and central control not only limit human scope but are often inefficient. Government programs break down or prove inadequate not merely because they are badly conceived but because the problems they seek to deal with are far too large for the limited abilities of a few administrators. Even a genius philosopher-king equipped by I.B.M. could not hope to deal with the varied complexities of dozens of American cities. Central direction is inefficient in a more profound way, too. Given human nature in the context of our society, such oppressive structures are bound to breed discontent. This discontent

necessarily impairs our ability to solve problems and maintain traditional values. Restless and unhappy people cannot easily be persuaded to join in enterprises of high purpose, especially those involving sacrifice.

Unless we are to move toward repression, the political platform of the future must contain words still alien to serious public dialogue—words such as "community," "power," and "purpose." This does not mean we will no longer worry about matters like economic policy and defense. For large elements of our population, economic questions are still critical, although they are increasingly fused with other desires. However, since poverty or a low standard of living is not the root of much of our unhappiness, wealth and its distribution do not point the way toward a solution. Words like "community," "power," and "purpose" seem rather abstract and vague, but then so do more traditional goals, such as "liberty" and "opportunity." And, like these more familiar terms, they can be given concrete content, yielding specific and tangible programs. Effective government action toward these ends will respond to the demands of the subject matter, and not to any master plan for their attainment, just as devotion to liberty does not tell you what kind of speech can be restricted or whether the State Department can limit travel to Cuba. Without trying to anticipate a report by a future Presidential task force, I would like to discuss some specific examples, simply to show that they do exist.

Many of the programs designed to re-create community will concern the physical environment, although the power to act as a community and the consequent sense of shared purpose are also critical. This will require that we concentrate not on the quantity of construction but on assembling the components of daily living within an area that a man can comprehend and easily traverse. Along with housing should go hospitals and government services, recreation and meeting centers, parks, and, to the extent that this is possible, places of work. This does not mean breaking up our cities but restoring the concept of neighborhood under modern conditions—a place where a man can live with other men.

Some of this is happening by itself under pressures of growth, as shopping centers move to the suburbs and industry seeks sites outside the city. This beginning can proliferate and expand through programs ranging from tax incentives for businesses resettling in residential areas to the construction of new satellite cities. Much can be done, for example, simply by changing and enforcing zoning ordinances, building codes, and tax laws, without a cent of public expenditure. There is a lot more to community than this. Its roots go into the powerful cementing emotions of pride, belonging, friendship, and shared concern, yet these, in turn, depend on the physical possibilities. Not only is it within our power to create those possibilities but it is probably a more practical course than our present unthinking and hopelessly scattered mixture of government programs and private enterprise.

Increasing the individual's power over the conditions of his life involves the blended methods of transferring authority, creating it where it does not exist, and lessening the coercive weight of the state. At other times, I have discussed the need for decentralizing the operations of government—allowing communities, private groups, cities, and states to make public decisions that are now vested in the central government. Although the Constitution contains a prescriptive mandate for a federal system, the actual distribution of authority and responsibility has been worked out over two centuries and is constantly changing. Today, for example, the federal government exerts a power over the economy that would have been inconceivably only a few decades ago. Decentraliza-

tion is another remodelling of the federal system, and to achieve it will require a patient pragmatism. The state may be the logical unit for dealing with river pollution, the metropolitan area for transportation programs, the neighborhood for schools and even post offices. *The general guide should be to transfer power to the smallest unit consistent with the scale of the problem.*

Many conservatives have welcomed the idea of decentralization, hearing in it comforting echoes of old battle cries about states' rights. They are mistaken, for decentralization, if it is to work, will require even larger public programs and even more money for public needs. Otherwise, the momentum on which local interest and involvement depend will be lost. Nor does decentralization mean the absence of rigorous national standards for the use of national revenues.

For example, money given for education must in fact be used for education open to all. Such standards are necessary to protect citizens against unresponsive government, and local government against the pressures of private interests. Of course, even with decentralization, most people will not actually make decisions. Still, those who do make them will be within reach of their fellow-residents of the community, and thus will be far more familiar and readily accessible than federal officials. This, in itself, will yield at least the potential of influence and effective protest, which may be as close as we can come to the ideal of the town meeting.

Power is conferred in other ways: by a government that feels compelled to explain its policies and intentions with candor, that seeks the counsel of informed private groups and citizens, and that adheres to an honorable observance of the separation of powers. It will also be yielded by increased citizen control over the private institutions and processes that often determine the quality of our private lives. It is incredible, for example, that private builders, acting out of purely economic considerations, should be allowed to determine the shape of our urban environment—that individuals unresponsive to the public will should decide how the public will live. In addition, the expanding machinery of secret police, investigation, bugging, and wiretapping must be halted and dismantled. Fear and suspicion are the most paralyzing agents of all, and the most likely to provoke unrest.

The use of power is also an expression of purpose. All acts have their intention. But you can share in purpose without sharing in power. As a member of a society, the individual's pride and sense of well-being are inevitably enhanced or diminished by the purpose of his nation—what it stands for and where it is going. If money and power, self-indulgence and self-protection are the goals of our society, they will become the goals of its citizens, with damaging consequences. Nothing would do more for our national health than a feeling that we were engaged in enterprises touched with some kind of nobility and grandeur. It is this feeling that enriches the life of social man. Even the most pessimistic and critical literature written in other countries during their periods of greatness is infused with a sense of pride in the nation, despite doubts about, or even fierce opposition to, its contemporary acts.

This sense of a noble destiny infused our country from the beginning, and in terms of our potential not only as a home for freedom and opportunity but as a guiding force in world affairs. Jefferson looked upon the United States as an example that would undermine despotism and monarchy; some of our other early leaders took a more direct hand by helping South American revolutionaries. This does not mean we must succumb to the naive belief that it is possible to create a Great Society or a New Deal-style democracy among the varied cultures

of the world, or that we should actively intervene to impose values bred of the American experience.

However, our wealth and military power give us an unavoidable weight in world affairs. Therefore, it is unnecessary to decide the critical questions surrounding the wisdom of intervention in order to recognize that our acts are important to others. For example, when a military dictatorship takes over in an allied country, we can recognize it or not, suspend aid or continue it, continue preferential trading or interrupt it. There is no way to avoid decision, since failure to act will have its own meaning. The issue is whether we base our policies on unthinking reflex and an immediate mixture of attitudes and interests or whether our acts are consistent with a long-range purpose. We may decide to adopt a less active and ambitious foreign policy, but we cannot do without any policy at all. And a foreign policy actively devoted to social justice, increased liberty, and the institutionalization of peace on a worldwide scale can enlist the best impulses of the American people.

Such a policy often collides with the thinking of global "realists," who led us into Santo Domingo and Vietnam; who failed to maintain a constructive common purpose among the Atlantic nations while contriving such monstrosities as the Multilateral Force; who allowed the United Nations to become trivialized; who supported Batista and ended up with Castro; and who have been unable to bring about the control of nuclear arms, which is clearly in the interests of both great powers. In fact, "realistic" policy now seems to have become no policy at all, aside from maintaining the territorial status quo with the Soviet Union and China, and hoping that Israel will survive. It is a policy virtually without long-range goals or any clear perception of the social and political forces at work on other continents, and—what is more dangerous—without any guiding concept of the kind of world community in which we will be safest and most comfortable. This is the ultimate romanticism of the ostrich.

Without elaborating particular issues, and while recognizing the need for protection against force, we can assert that the most powerful global social force is the drive for recognition and fulfillment of popular needs and desires. This is a force fully consistent with our national values, and, therefore, one that we should support. This is what President Kennedy was trying to accomplish when, for example, he refused recognition to military takeovers in Peru and Honduras. It was believed not that our disapproval would change governments but that it would strengthen forces that, in the long run, might build a stronger and more congenial hemispheric community.

This policy was later dropped in favor of dealing with the "fact" of military rule, which meant ignoring the first principle of good politics: Don't spend yourself on those who have nowhere else to go. We elected to play it safe even though we were already safe. This change in policy helps illuminate the truth that the basic obstacle to a foreign policy shaped by long-range purposes and resting on national values is not malevolence or a hidden imperialism but timidity or lack of confidence. It is far easier to move from crisis to crisis than to act when events do not demand action. For decision and action create responsibility, and only men with some confidence in their own perception and judgment are willing to take such responsibility. Because our professional foreign-policy structure has been designed to discourage, and even to punish, those who disrupt the illusion of tranquility, only a President can compel a different course.

Yet such inaction is fraught with danger. Many of our recent crises can be traced to a failure of consistent purpose during periods of relative calm. By allowing our relations

with Arab leaders to deteriorate, we forfeited whatever influence we might have had to prevent war in the Middle East. In Santo Domingo, we failed in our responsibility to help improve the economic and social welfare of a people whose dictator we had helped remove. And if the siren announcing Armageddon ever sounds, it will probably interrupt some official as he explains to a crowded room why an arms-control agreement is too risky this year.

A foreign policy founded on traditional American values not only is wise but is essential to our domestic well-being, since shared purpose is the only enduring cement of national unity. In it lies our only hope of finding a moral equivalent of war—or, in this case, a partial alternative to domestic unrest and division. Of course, there is much within our own borders to capture the imagination and inspire worthy effort, but only for some, and, even then, probably not on a sufficiently large or lasting scale. We are so significant a nation that the nature of our role in world affairs must pervade every man's sense of himself as a citizen. John Kennedy's appeals to greatness and sacrifice evoked so strong a response not because they were expressions of a self-deceptive idealism but because they led toward the only realistic path for maintaining individual pride.

There are, of course, grave problems that do not fit easily into the rubric of power and purpose. One can add little to the interminable discussion of the race problem except to observe that politically there is no black problem at all—only a white problem. We can easily command the resources to meet the immediate needs and demands of black Americans. But we cannot do this until white Americans are persuaded of their responsibility to act. That will require more than public education and Presidential speeches.

Unless we move to remedy the afflictions and grievances of white Americans, they will never consent to a concentrated effort in the ghettos. This is particularly true of the lower-income whites who feel trapped in a relatively shabby material existence and a scorned social position. (A Chicago policeman said, pointing to the hippies in Grant Park, "I had to work for a living, and so did my mother, and look at those kids. They do nothing and they got an education." Then he joined the charge.) It is little wonder that this group turns its wrath impartially on Negroes and college students—a perfect combination for the Wallace appeal. Its members feel scorned by the upper middle class, and, at the same time they are deeply envious. Meanwhile, the Negro is a constant object of national discussion and attention, and a recipient of special programs. Racial feelings are very resistant, but many obstacles would fall before a national policy directed at enriching the life of all citizens. Without it, the barriers will continue to rise.

Another problem specific to our age is the incursion of a large military establishment into public life. This is not because generals are especially power-hungry or malevolent but because size and importance, especially when they are touched with permanence, necessarily bring power. Public men from Jefferson to Eisenhower have warned us about the perils of a large standing military. And now we have one. Nothing better illuminates the hazards of the systematic and efficient mind than the experience of the last several years. Robert McNamara not only enlarged our armed forces but rationalized them. Over the resistance of officers with little imagination, he unified the operations of the services, eliminated many old rivalries, and instituted the deceptive techniques of modern computer management. As a result, the military has more influence on public policy than ever before in our history.

The power that was once held in check by rivalries and folk wisdom is now exerted as

a single, fused force on the civilian economy and its decisionmakers. Independent-minded and free-wheeling officers were moved into the background, lest they publicly challenge civilian leaders. The result was a group of limited and conforming men at the top who could envisage no solution to any problem other than the accretion and use of military strength. The trouble with yes-men is that they are likely to say yes to anything. The trouble with limited men is that they are likely to lack the imagination to see their limitations, or even to disbelieve their computers.

And this is the first group of generals to come to leadership during our reign as a great military power. The Eisenhowers and MacArthurs and Ridgways, in their early days, always had to contend with severely limited resources, and therefore had to consider what they could do only with allies and what they could not do at all. The new group is accustomed to ever-increasing largesse and to having the power to bring about unlimited destruction at the touch of a button. The monstrous system created during the McNamara regime now has a life of its own. Civilians will make the ultimate policy judgments, but the sheer size and momentum of our military structure, the enormous investment it represents, and the needs of the industries dependent on it inevitably affect national decisions. Thus, we continue to build new weapons and new systems constructed on the basis of the most rational considerations of cost efficiency but without any rational relationship to national security.

Even McNamara himself was finally trapped when he was compelled, against his own judgment, to go ahead with an antiballistic-missile system. Yet the "Whiz Kids" laid the groundwork. Moreover, the very importance of our military machine means that generals no longer sit outside the door of our highest council ready to respond to technical questions. Rather, they share in policy discussions for which they have no qualification or experience. In doing so, they breach the oldest and most rigorous ethic of the American soldier. The Joint Chiefs of Staff advised that the Bay of Pigs might work, even though any hope of success obviously depended on the degree of political unrest within Cuba. More disastrously, we depended heavily on military men to tell us what it might take to "win" in Vietnam, though such calculations should have been based on cultural, political, and human factors as well. Of course, civilian officials should not have listened. Yet it is very hard to avoid attributing some wisdom to those who control the enormous power that has occupied such a large part of the American consciousness in recent years, and who, moreover, can speak with precision of their capacities in so uncertain and chaotic a world. The temptation to heed those with answers is strong, and can subtly infect the most skeptical of minds.

The hazards of a large standing military ramify into many areas. It represents a constituency against arms control, not because generals want war or oppose disarmament on principle but because their necessary professional caution demands that they overestimate every advantage of a potential opponent and underestimate their own capacities. In narrowly professional terms, it is inevitable to estimate that any agreement is risky, even if the only reason for doing so is an assumption that the other parties to it would not agree unless agreeing gave them an edge. Also, the availability of force is a constant temptation to use it.

Part of the reason we sent the Marines into the Dominican Republic was that we had the capacity for moving large numbers of combat troops with great speed. The build-up of our conventional forces and their increased mobility—which came into being for reasons involving the Soviet Union, many of

which are now irrelevant—have made it more likely that we will use force. In view of our nuclear deterrent and our capacity for rapid mobilization, recent history lends strength to the belief that it may be riskier to have such forces than to go without. Here again, however, we have a conclusion that depends on admitting the human weaknesses of policymakers—a calculation that, because of its vagueness, cannot be used by rational-system builders. Thus, we can consider discarding the wisdom of our history because it can't be fed into the computers.

We cannot yet escape the need for military forces, but it will require leadership and authority of the most determined and enlightened kind to keep those forces in rational relationship to our need while we work toward arms control, spurred by the urgent awareness that men cannot be trusted with the power to destroy themselves. And that effort is obstructed not simply by cautious policy-makers but also by a deeply troubling, elusive, and ambiguous phenomenon—the fear of nuclear weapons. Any observer must be struck by the difficulty of stimulating public support for arms control, or even of provoking widespread public discussion of nuclear weapons. One could attribute this to an indifference bred of acceptance if it were not for the force of the reaction that seems to await any political figure who touches the nuclear nerve.

The day Curtis LeMay verbally toyed with nuclear possibilities, George Wallace's fortunes began to wane. Nixon's speech advocating nuclear superiority was certainly among the factors precipitating his near-fatal decline. Goldwater had to spend his entire 1964 campaign explaining that he would not drop atomic bombs. When President Kennedy advocated fallout shelters, he set off a popular reaction that had every Democratic leader on the phone to the White House and that ultimately caused cancellation of the program—and he was greatly surprised at the enthusiasm evoked by mention of the test-ban treaty during his 1963 trip through the Western states.

Perhaps we can understand these reactions by recalling the late nineteen-forties and the early fifties, when the horrors of nuclear holocaust were a pervasive topic. Almost everyone must at least once have been struck with sudden apprehension at the sound of an airplane, or gone to sleep with the thought that all could be over before morning. One of the young girls who worked for McCarthy during his campaign told an interviewer of the air-raid drills in her grammar school, and how for a while she was afraid every time she heard a plane.

Thus, the atomic age has been a personal emotional experience for many Americans, and even, perhaps, for most. After a while, such feelings are put away or repressed, but they are never eliminated. They lie under the surface of reason and memory, evoking hostility toward any who may touch them. Although such fears help keep the peace, they are also a barrier to the reminder implicit in mobilizing public support for arms control. However, despite the seeming lack of concern, any political leader can be sure that real achievement in reducing danger will be rewarded by warm and grateful relief.

The agency through which we can hope to formulate new policies is that strange American contraption the political party. My own repository of hopes for change is the Democratic Party, for the Republicans seem unlikely to discard their historical role as defenders of things as they are. Since Nixon's victory, political men have begun to discuss the future of the Democratic Party. Such discussion must come to grips with one essential fact: There is no Democratic Party. There is the party of Daley in Illinois and the party of the county leaders in New York. There is the party of Daley in Illinois and

leaders in California, and there is Kennedy in Massachusetts.

In the South, there is almost nothing left at all. It is a truism to state that American political parties are not ideological in nature, since they embrace many diverse groups. Still, in the past most elements of the Democratic Party agreed to certain broad goals and assumptions. There was, with some dissent, general agreement on the economic goals of the New Deal. It was broadly assumed that the Democratic Party represented the disadvantaged and the poor against the great interests, and that it stood for alliance and tolerance in world affairs. There was, in other words, a base of generally accepted belief and emotional attitude. That this has largely dissolved becomes clear when we compare the parties of Daley, Meany, McCarthy, and Kennedy.

The cause of the dissolution is that the issues of the past thirty years have lost their vitality. The consequence is that the Democratic Party is little more than an institutional mechanism through which individuals hope to acquire public office. If the Democratic Party has a future, it will come not by raising more money or by hiring better advertising agencies but by developing a purpose and a program.

I have outlined some of the possible elements of purpose and policy in support of which it might be possible to create a new, progressive coalition to replace the alliance of minorities, labor, and the South which has now fragmented and dissolved. The South has left; labor no longer exists as a coherent electoral force, having divided into upper and lower middle class; and the minorities are often at each other's throat. A new coalition will have to be made up of the populations of the inner cities, including some lower-income whites, and of the new suburbs inhabited by those who work in offices, electronics factories, and so on. This is the coalition that both Kennedy and McCarthy were trying to build, with McCarthy moving inward from the suburbs and Kennedy outward from the inner city. Neither quite got across the bridge, but the fact that their divergent constituencies responded to men who stood for enlightened and progressive change is evidence that the possibilities of coalition are there.

However, the issues that will unite these groups are not only traditional economic concerns—although there are specific economic problems that must be met—but issues of the type I have set forth. For example, both in the ghettos and in the suburbs there is a desire for increased control and power over local affairs and public policy. If I am right in the belief that such desires respond to deeply felt national needs, then failure to move in this direction will leave public-spirited men with no alternative but to try to form a new party to combat the forces of repression.

Finally, a few words of unsolicited advice to the next President. Since we need fundamental changes in public policy, it would be a serious mistake to begin the work of the next Administration in the traditional way: preparing budgets and policies for programs neatly tailored to old categories such as health, housing, and conservation. For the assumption of fundamental change is that the old categories and ways of looking at problems are no longer valid and that the structure of government itself is the threshold barrier to new approaches and policies. The powers of the Department of Housing and Urban Development, for example, are fashioned and limited in such a way that the Department cannot hope to deal with the problems of the city, however, vigorous its leadership. The first task of a new Administration should be to construct institutions with authority and jurisdiction adapted to the policies they are to administer, and to

concern itself with reallocating responsibility within the federal system.

The secret of Roosevelt's success was his willingness to ignore or dismantle existing structures and to set up new ones, shaped to his purposes. Freud said that "anatomy is destiny." In government, structure is policy. If the existing structure of government is accepted, then serious change rapidly becomes impossible as bureaucracies, administrators, and ongoing programs begin to generate their inevitable and almost irresistible drive for survival. It is important to make structural changes early, and not only because a President is far more likely to have the necessary power at the beginning of his administration. The appointment of Cabinet officers, administrators, and even task forces immediately creates powerful vested interests. When a man becomes the chief of a large department, he assumes a new constituency of workers and bureaus, authority and appropriations. His natural urge, reinforced by the need to keep the loyalty of his subordinates, is to maintain this domain relatively intact and to minimize disruption and controversy.

Thus, the Department of Labor under President Johnson fought against the poverty program, with some success, simply because it felt that it was the proper repository of such an effort. Examples could be multiplied. It would be a great mistake to misjudge the rapidity with which new men develop loyalties to old patterns, or the ability of an established bureaucracy to frustrate the most determined of Presidential designs. That is why the fundamentals of structure must be determined before operations begin if there is to be a serious and effective effort to chart new directions for public policy. This is little more than counsel to "think big," not in terms of huge expenditures or sweeping new programs but in terms of the hardest kind of innovation: liberating the public imagination from old categories, concepts, and structures. Our present inclination to look upon every national ill as a subject for federal action within the framework of existing departments is like trying to devise a way to go to the moon by putting a man in an automobile. We need not only new institutions but a fresh sense of which matters are appropriate to public action, and of where, within the federal system, responsibility and power should be vested.

Beyond such concrete and practical acts, there is a need to explore the deeper causes of our discontent. Again, as in the eighteenth century, we can sense that we are at the beginning of a new age—or, rather, a new way of living—which is forcing its values and demands on a society not equipped to cope with them. This kind of dislocation, this gap between realities and custom, is characteristic of revolutionary historical periods. To pursue this analogy, the insulation and barrenness of the modern suburb are counterparts of the misery that enveloped the mid-nineteenth-century factory, and Mayor Daley is at one with the Southern agrarian in defending a system that history will find not to have been an unmixed evil. Without judging the efforts of men like Marshall McLuhan to abstract a single, seminal cause from the complexities of social change, we can agree with many that the ascendancy of technology is a principal feature of modern society. To that we must add growth, both of population and of our physical artifacts, such as houses, factories, and roads.

The problem, however, is not technological but ideological. We are threatened not by our creations but by our beliefs. In another place, I have written, "All nations . . . are governed on the basis of ideas and values . . . which are not derived either from the neces-

sities of nature or the command of God. If a man snatches his hand from a hot stove, that is not ideological. If he then decrees there shall be no more hot stoves in order to prevent burning, he has imposed an ideology (and one wholly alien to our own)." There is, for example, nothing in the development of the automobile which makes the clogging of our cities and the poisoning of our air logically inevitable. It is simply that we have preferred these consequences—perhaps without anticipating them—to restrictions on the use of automobiles.

No one has more bluntly stated the inward passion of the time than Lewis Strauss, who summed up the faith of two centuries when he was asked if nuclear physics might not have overstepped itself. "No," he answered, "I would not wipe out any part of it, not the bomb nor any other part of it, if I could. I believe everything man discovers, however he discovers it, is welcome and good for his future. In me this is the sort of belief that people go to the stake for." This is not a reasoned formula but an affirmation of an ideological belief verging on the mystical. Guided by such a belief, our society has developed virtually no mechanism for weighing technological change against the social consequences and enforcing its judgment. Only the great religious institutions engage in a similar process, and then, as in the case of Pope Paul and the pill, they are condemned because the values they seek to defend have lost their hold on men. This is not the place to pursue such philosophical abstractions.

Yet they are at the heart of the problem. In political terms, we are barred from much effective action because we have not regarded human values—except for those related to survival, civil liberty, and prosperity—as appropriate objects of public protection. This reluctance to allow government to become concerned with the quality of individual life has its historical roots in a healthy fear of the state and a desire to insure secular liberty. It now works against us, having been outdistanced by our material circumstances.

Thus, traditional principles of private enterprise join with modern construction technology to create suburban blight. But there is no inherent reason a builder should not be under as much compulsion to provide open spaces, parks, and community centers as he is to provide safe wiring and sound structures. We can also maintain that clear air and freedom of movement are as important to us as the economic advantages of urban concentration. On a broader scale, we need to reexamine all our institutions in order to determine whether what they do for people is worth what they do to them. This is not an easy job, especially since we must often match abstract or felt values against the formulations of logic and numbers.

How, for example, does one explain an instinctive revulsion against the idea of a national computer center to store all the available information about every citizen, except to say that neatness and system and organization can be oppressive in themselves, and to draw upon our experience of human weakness to assert that increasing the capacity for control will increase the likelihood of control.

This kind of ideological reformation will not be easy for a people as little inclined to theory as our own. It will come, if it does come, in the context of relieving particular afflictions. Still, there is no other way that we can guide ourselves between the twin perils of uncontrollable turbulence and repression. We will be strengthened by the fact that such change corresponds to deeply felt human wants, many of which are manifesting themselves in our present disorders.

## U.S. INTERNATIONAL UNIVERSITY AND CAMP ADAIR—PART I

Mr. HATFIELD. Mr. President, as Senators may be aware, the Federal Government operates a mammoth program for disposal of surplus Federal property, both real and personal.

Recently, I have had an enlightening experience concerning the disposal of Adair Air Force Station, north of Corvallis, Oreg. It has raised serious questions in my mind about the donee, U.S. International University, and the HEW procedures.

When the Defense Department announced that the base would be closed, the entire Oregon congressional delegation worked to find another Federal use for the property. We had hopes that it could be used as a naval weather station. This potential use fell through, unfortunately, as did any other Federal use.

I know that many Senators have had similar dealings with GSA, for we all have sought alternative Federal utilization of surplus Federal property, often when military installations have been closed.

One use of surplus property is as a public health or educational facility. In these cases, the property is not sold for fair market values, but is awarded to the donee at a public benefit allowance.

In the case of colleges, what I really am saying is that a school can get surplus property free. The property goes to the school at the rate of 3½ percent yearly, so in 30 years the property belongs completely to a school.

Every year, millions of dollars of surplus property are given away free to schools. In many cases, I applaud and support this approach. Such actions sometimes give birth to community colleges, or give a struggling black college a chance to grow.

The potentials of such a practice, however, should not lessen our vigilance to see that high standards are maintained—both by the Government in administering the program, and by the donees of the property.

My experience with Camp Adair and U.S. International University raises serious questions in my mind whether this has been done and whether the public interest has been protected. We must protect the public interest, for it is often very valuable property that is being given away.

I believe that the Department of Health, Education, and Welfare acted precipitately when it gave final approval to USIU for use of the Camp Adair as a satellite campus. In my opinion, the facts surrounding this proposed transfer are such that more study of this school, its financial stability, and the very HEW procedures themselves were warranted.

Let me share with Senators what I have found out about the HEW procedures and USIU itself.

I began looking into this proposed transfer in detail last September when General Services Administration announced it was assigning the Camp Adair property to HEW for a gift to USIU.

I was curious, originally, to know

whether Oregon schools had received notice, as to the availability of this property, whether the State of Oregon passed up the opportunity to acquire this property. Later, I had questions regarding USIU and its operations.

It should be pointed out the Camp Adair is a very valuable piece of property, situated in the Willamette Valley, located near Corvallis and Albany. The land totals about 300 acres, and it is a beautiful place. The appraised value, minus Capehart housing, is between \$2.5 million and \$3 million.

I met with Secretary Richardson on January 22 to raise points I felt needed answering before final transfer was approved. At the same time, a series of articles appeared in the Oregon Statesman, in Salem, one of Oregon's leading newspapers, which was operated for many years by the late Charles Sprague, a former Governor.

My field office in Salem airmailed me copies of the fine series in the Statesman, written by a veteran reporter, Allen J. Morrison. When those articles arrived in my office, I sent them by messenger to the office of Mr. Sol Elson, Acting Assistant Secretary of Health, Education, and Welfare for Administration, who assisted Secretary Richardson in this affair, so he could study the points raised in the articles before any decision was made. I invite the attention of Senators to these articles and ask unanimous consent that they be printed at this point in the RECORD.

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

**MYSTERY, STRIFE, FINANCE QUESTIONS SURFACE IN ADAIR CAMPUS PROBE**  
(By Allen J. Morrison)

(NOTE:—United States International University plans to open a branch campus this year at the old Adair Air Force Station near Corvallis. Government authorization for this use of Adair lands raised questions and controversy, so The Statesman assigned reporter Allen J. Morrison to investigate. After consulting many public records and information sources over the past four months, Morrison in this series of articles presents a penetrating look at the university and its operations.)

A curious mixture of mystery and strife is found by efforts of The Statesman to learn more about United States International University, which is planning to take over the major portion of the former Adair Air Force Station and open a campus there this summer.

USIU is not the only organization that thinks it has a use for the abandoned base north of Corvallis.

The Oregon Council of the Poor, the Governor's Advisory Committee on Chicago Affairs, the State Department of Education have all expressed interest in acquiring the Adair base for Oregon use.

U.S. Sen. Mark O. Hatfield (R-Ore.) is scheduled to meet 11 a.m. (EST) today with Elliott Richardson, Secretary of Health, Education and Welfare, to discuss the Adair transfer to USIU. Hatfield placed a "hold" on the transfer more than six weeks ago.

So what can we learn about the university that seems to be on the verge of getting the government property as a gift?

It has large and far-flung real estate holdings for a small number of students. Fed by government grants and loans, it is expanding its holdings and construction rapidly while having to ask for extensions on the

current obligations, including federal government loans.

Information is difficult to get from the university itself.

And several former faculty members were found who were eager to criticize the university administration and especially its president. Graduates of USIU say the university is very good, but none knew much about its corporate structure.

Critics of United States International University (USIU) are able to point out several things they consider unusual in its financial structure and auditing.

Two officers seem to be given almost unlimited authority to obligate the university, mortgage its property and even to transfer investments to their own names.

The setup of a new corporation in Mexico seems to put the financial obligation on the USIU corporation with little security under Mexican laws.

There seems to be a discrepancy in reported tuition income when compared with reported number of students and announced tuition fee.

While Methodist Bishop Gerald Kennedy is heralded as a leader in USIU he says that his relations with the university are "strained and tenuous" and he has not attended board meetings for several years.

Any two of four officers can borrow up to \$200,000 for the university and mortgage USIU property for it, and any one of them can direct disposition of the proceeds.

Attorneys and educators consulted by The Statesman say the 1968 board resolutions giving so much financial control to officers are unusual. All opinions were similar to that of attorney Richard Lee of Salem who said, "It is wide open. Any one of those officers could end up with the stock or money in his own name."

The apparent discrepancy between tuition income and reported enrollment also was noticeable to all those consulted by The Statesman.

While reporting a quarterly tuition fee of \$535 and more than 3,000 full-time students, the 1968-69 audit shows tuition income for the year as \$3.9 million. Three thousand students for a three-quarter school year would produce almost \$5 million, not counting summer sessions.

As Willamette University President Roger J. Fritz said, "It appears to be quite low for an enrollment of more than 3,000 students." A Salem accountant said, "It is difficult to reconcile, from the university's statements, income reported from tuition and fees with enrollment data and stated tuition charges."

James Faulstich, economic adviser to Gov. Tom McCall, praises the university's record of public trust and its trustees but grants that Mexico's corporation controls are not adequate to protect USIU's interest in its Mexican college. He also admits that the audit the university sent him indicates a "real tight" cash position.

Several interested agencies, including The Statesman and the U.S. Office of Education, have asked the university for copies of its audit but Faulstich is the only one who got it.

Still trying is Sen. Hatfield, who has succeeded in holding up transfer of Adair Air Force Station property to USIU while he studies the question of such free grants of government land.

Critics of USIU's rapid expansion include the Methodist Church, which dissociated from USIU while retaining an interest in its original campus, California Western University in San Diego.

**HATFIELD MEETS TODAY WITH HEW CHIEF**  
(By A. Robert Smith)

WASHINGTON.—Sen. Mark Hatfield said he will urge Elliott Richardson, secretary of Health, Education and Welfare, Friday to

withhold approval of the Camp Adair transfer until a number of financial questions have been answered by U.S. International University.

HEW last fall tentatively approved giving much of the abandoned air force base north of Corvallis to USIU, a San Diego-based institution which announced plans for converting the base into a campus.

**TO RAISE QUESTIONS**

Hatfield, however, raised numerous questions with federal officials and USIU, which led to a meeting scheduled Friday between the senator and Secretary Richardson.

Asked what his purpose is in meeting with Richardson, Hatfield said it was not to urge him to veto the deal outright.

"To lease or not to lease is not the issue," said Hatfield. "I'm going to try to persuade him to review the material, or lack of it, to give him complete assurance that if this land were given to this university, it could reasonably be expected to develop an institution of higher learning that would be a credit to the state."

**HE DOUBTS IT**

Hatfield indicated he had strong doubts. "We raised questions that have not been answered," he said, mostly about the financial stability of USIU.

The senator said he plans to share with Richardson everything he has compiled on USIU, including information he said he felt certain the secretary wasn't aware of. He declined to elaborate.

**ADAIR CAMPUS PROMOTERS HAVE VAST HOLDINGS, FEW STUDENTS**  
(By Allen J. Morrison)

United States International University, on the verge of taking over the Adair Air Force Station property near Corvallis, has vast holdings of property, but small enrollment at its widespread bases, research by The Statesman discloses.

Its supporters and administrators describe it as a rapidly growing international university with exciting innovative programs of learning and human behavior.

It is accredited, including its law school, it boasts a strong faculty and it has a number of enthusiastic backers including some wealthy and influential San Diego men.

**NEAR CORVALLIS**

It plans to open an Oregon campus this fall at Adair, 10 miles north of Corvallis, on property to be given to it by the U.S. Department of Health, Education & Welfare.

HEW announced in September it would give 257 acres and 35 military buildings at the abandoned Adair base to USIU.

But U.S. Sen. Mark O. Hatfield asked that the transfer be delayed until he can learn more about the university, its financing and its policies. HEW Secretary Elliott Richardson agreed to the delay.

But 54-acre Sundance Air Force Base in Wyoming was signed over to USIU in August, a month before Hatfield began his inquiry.

USIU already has three operating campuses at San Diego and others at Steamboat Springs, Colo., Buckinghamshire, England, and Puebla, Mexico, plus a high school in Kenya, Africa.

It reported a net worth last year of \$17.7 million, up \$6.9 million in 2 years.

Although USIU has been projecting its international reputation in its fund drives, it has a total of only 138 students on its two foreign university campuses. It has an additional 200 high school students, mostly American, at its Nairobi International School in Kenya.

The three San Diego campuses have much land and few students.

The original, California Western University at Point Loma, has 200 acres and about 2,425 students. Enrollment reports on Cal western

dating back to 1965 showed up to 3,000 students, but the university told The Statesman that past figures reflected part-time and summer students.

When announced in 1966 Elliott Graduate School in San Diego was to have 3,000 students within 5 years. Today it has 800. The Downtown San Diego Center for Performing Arts & Conservatory has 185.

The university purchased Alpine College at Steamboat Springs, Colo., in 1969. It was a 206-enrollment college in financial trouble. Now there are 79 students, described as low achievers with high potential.

HEW gave USIU 400 acres of the old Elliott Marine Base at San Diego in 1965. Asked why the school needs so much land for 800 students, university vice president Robert S. Dunn said a "sizable portion" cannot be used because of flood restrictions imposed by the U.S. Corps of Engineers. A San Diego city planning department representative, however, said the unusable portion is "very minor."

#### BACKLOG CITED

USIU, in making applications for surplus government properties, maintains it needs more land and facilities because of its growth and a big backlog of applicants for admission, according to HEW officials in Washington.

Altogether, USIU claims 3,827 students on its seven campuses, which cover a total of over 1,500 acres.

For comparison, Oregon College of Education at Monmouth has 3,950 students and 115 acres. University of Oregon has 14,700 students on 240 acres.

#### FIVE HUNDRED ACRES

The university in England has 500 picturesque acres and 107 students. USIU says that because of local zoning restrictions it is negotiating for more land so it can expand to 300 students.

USIU completed purchase of the old University of Americas in Mexico City for \$560,000 and opened a 206-acre campus there in July. The university, which had more American students than any other in Mexico, had an enrollment of 1,800 students for several years. USIU opened there in July with 31 students but announced plans for expansion.

Since the mid-1960s President William C. Rust announced plans within five years for new universities in Japan, India, Brazil, Nevada or Arizona, the Pacific Basin, a Pacific island and an additional campus in Africa. These have not materialized.

#### FEDERAL GRANTS

USIU has been awarded federal grants totalling \$2,186,680 for further construction, mostly at the Elliott Graduate School in San Diego.

But a Jan. 12 letter to Hatfield from the U.S. Office of Education says the university has not yet raised the required matching funds for the grants.

The university was 60 days late in making federal debt service payments of \$23,000 due last January and it asked an extension on payments of \$41,000 due this Jan. 1, according to Richard R. Holden, director of the HEW division of academic facilities. It was granted an extension to Feb. 15.

HEW records show that USIU construction, under the Higher Education Facilities Act of 1963, has totaled \$5.2 million at San Diego, with the aid of \$1.5 million in HEFA grants and \$1.2 million in HEFA loans; and that another \$5.5 million in construction at San Diego is scheduled for which the \$2,186,680 in HEFA grants has been approved.

#### U.S. INTERNATIONAL UNIVERSITY—A PRIVATE TAX-FREE AND NON-PROFIT CORPORATION (Campuses, size, and Enrollment)

California Western, San Diego, Calif., 200 acres, 2,425.

Elliott Graduate School, San Diego, Calif., 401 acres, 800.

Downtown Art Center, San Diego, Calif., 4-stories, 185.

Mexico International, Puebla, Mex., 200 acres, 31.

Alpine College, Steamboat Springs, Colo., 80 acres, 79.

Nairobi International, Kenya, Africa, 200.

Wyoming University, Sundance Air Force Base, 55 acres, to open this fall.

Adair Air Force Base, Corvallis, Ore., 257 acres, to open this fall.

Santa Barbara, Calif., 48 acres, no campus. Dropmore Mansion, Buckinghamshire, Eng., 500 acres, 107.

Totals, 2,381 plus acres, 3,827 students.

Approximately 71 acres are public lands given free to the university for educational expansion. Enrollment figures supplied by Health, Education & Welfare.

As this list was going to press, The Statesman continued to find additional lands that were acquired by USIU, mostly through private gifts.

San Diego County Assessor E. C. Williams confirmed that there are 13 separate land parcels in the county "assessed in the name of USIU." However, to identify and describe all the properties would require a time-consuming formal private title search, the agency told The Statesman.

#### PROPOSED ADAIR CAMPUS: VAST FINANCIAL POWER HELD BY OFFICIALS OF USIU

(By Allen Morrison)

Officers of United States International University, which is planning to open a branch campus this summer at the old Adair Air Force Station near Corvallis, have unusually broad authority in the handling of the university's money and property.

A 1968 resolution by the board of trustees authorizing opening of an account with brokers Merrill, Lynch, Pierce, Fenner & Smith gives President William C. Rust and board chairman John M. Cranston each individually the power to buy and sell stocks, bonds and securities for the university and—

"if he deems proper to secure payment therefor with property of this corporation . . ." and—

"at his direction to cause certificates of stocks, bonds, and other securities held in said account to be transferred to the name of any officer hereinafter named . . ."

The officers "hereinafter named" are Rust and Cranston.

An official at the brokerage firm told The Statesman that it is common for institutions to buy and sell stocks but not to grant authority to transfer them to individual officers' names.

At that same board meeting any two of the four corporation officers were authorized to borrow up to \$200,000 from Security First National Bank and any one of them to direct disposition of the proceeds. This resolution was made retroactive indefinitely.

Administrative Vice President Robert S. Dunn, a lawyer, said this is a common corporate practice in California financial institutions.

Minutes of that June 24 meeting show that nine of the 32 trustees, including Rust and Cranston, were present.

Another infinitely retroactive resolution, in February 1969, authorizes the officers to borrow up to \$5,304,063.31 from Connecticut Mutual Life Insurance Co. and "whether arising pursuant to this resolution or otherwise, to grant, transfer, pledge, mortgage, or otherwise hypothecate . . . and property belonging to or under the control of this corporation . . ."

Officers named in these resolutions besides Cranston and Rust, are George W. Peck, secretary, and Dunn.

Salem area lawyers and university officials consulted by The Statesman say these resolutions give USIU officers unlimited authority.

Salem attorney Richard Lee said, "It is wide open. Any one of those officers could

end up with the stock or money in his own name."

Cranston, 61, is a San Diego attorney with a long record of public service in community and welfare activities.

President Rust, 53, is a 1941 graduate of DePauw University with a 1961 Ph.D. from University of Southern California. A professor of humanities, religious education and comparative religion, he taught at USC, Hiff School of Theology and University of Denver before joining Cal Western in 1952 as a public relations director, advancing to president within the year. He is a Methodist minister and former Congregational minister.

Rust has no taxable financial holdings, according to the San Diego County assessor's office. His home is owned by the university.

He has been praised by associates as a brilliant financier and promoter.

The Southern California-Arizona Methodist Conference barred his admittance to the conference during a church-university power struggle for USIU but he joined at Denver, Colo., and transferred his membership to California.

Bishop Gerald Kennedy and other Methodist conference officials publicly stated that Rust's financial reports did not make sense.

Several conference members on the USIU board of trustees, including Kennedy and Dr. Russel Robinson, San Diego district superintendent, seldom attend meetings anymore.

Dr. Robinson says the board is influenced now by "right-wingers".

He said only a few trustees have seriously questioned university fiscal policies in past years and they got voted down.

Congressman Wendell Wyatt (R-Ore.) who visited the USIU campus recently, described President Rust as a "remarkable man, a man with vision." He said USIU was financially sound and capable of opening a campus at Adair.

#### USIU'S HISTORY OF FINANCIAL PROBLEMS OUTLINED BY HATFIELD

WASHINGTON.—U.S. Sen. Mark O. Hatfield said Friday that United States International University, (USIU), San Diego, set to open an Oregon campus at Adair Air Force Base north of Corvallis, has had a history of financial problems.

Hatfield made the disclosures to Elliot Richardson, secretary of Health, Education & Welfare, in a pre-arranged meeting to discuss the free transfer of the abandoned Adair base to USIU for an Oregon campus to open this fall.

Hatfield had placed a hold on the transfer some six weeks ago until he could review surplus transfer procedures and examine USIU more closely.

The senator said this is not the first time USIU's financial operations have been questioned. Previously known as California Western University at San Diego, USIU was affiliated with the Methodist Church (as is Willamette University) until 1966 when the church relinquished its predominant role because of questionable financial practices by the institution.

#### HAD ACCOUNTANT'S LETTER

To support this, Hatfield gave Richardson a letter from a Los Angeles certified public accountant, Paul M. Lee, who reviewed the institution's finances for the church. The letter stated:

"The reason the 1966 review of financial reports was performed was that there was widespread concern among many Methodist members of the corporate governing body that the administration, backed by a majority of the trustees, was not supplying understandable financial reports and was embarked on growth plans possibly not manageable within the resources available to the university."

Lee suggested that the church feared it

would be exposed to financial risk if the financial affairs of the school deteriorated to the point of danger from general creditors.

#### EXPANSION DRIVE FEARED

The church leaders, Lee revealed, were concerned that the university's leadership "was committed to aggressive expansion, and that such plans envisioned obtaining heavy financial support from other-than-Methodist churches and from public and governmental sources."

Lee told Hatfield his firm found that financial facts could be dug out of the reports only by expert and time-consuming review.

Hatfield said he recently received "cursory information from USIU" about the school's finances which showed that "their cash fell in one year from \$482,468 on 9/30/69 to \$73,713 on 9/30/70."

Between 1968 and 1970, the school's liabilities rose from \$11.4 million to \$16.2 million, Hatfield told Richardson.

#### QUESTIONS NEEDED

Beyond the financial uncertainty of USIU suggested by this information, Hatfield's memo to Richardson said that as an Oregon educator he "questioned the wisdom of another private college" when:

(1) Of Oregon's 13 private colleges, 11 had an aggregate deficit of \$1.6 million in 1969-70.

2. Oregon already has more institutions of higher learning per capita than any other Western state—one per 53,000, while the average is one per 99,000.

3. There are already three colleges within 12 miles of Adair that will have an enrollment of 21,000 by fall.

After meeting with Richardson, Hatfield met with Rep. Wendell Wyatt, A defender of the Adair transfer to USIU, and gave the congressman a copy of his memo. Wyatt had no immediate comment.

Hatfield is due to arrive at Portland International Airport at 11:06 a.m. Saturday where he will hold a press conference prior to going to Newport for a speech that night.

#### PROPOSED ADAIR CAMPUS: USIU OFFICIALS SEE NO CONFLICT WITH NEARBY SCHOOLS

(By Allen J. Morrison)

United States International University at San Diego, Calif., says establishment of an Oregon branch campus near Corvallis this fall would not cause competition problems with existing nearby colleges.

USIU has been given most of the abandoned Adair Air Force Station north of Corvallis for an Oregon branch but formal signing of the deed has been delayed by U.S. Sen. Mark O. Hatfield for further study.

The university operates limited enrollment universities in England, Mexico City, Steamboat Springs, Colo., and San Diego, and a high school in Africa.

USIU said it plans to open the Adair branch this fall, along with another college at the abandoned Sundance AFB, Wyo., also given to USIU by the federal government.

#### "GREATER AREA"

Robert S. Dunn, USIU vice president, said the Adair campus would not compete with Oregon State University, Linn-Benton Community College or Oregon College of Education at nearby Monmouth, because the potential student population would "come from a greater area." He said it will "augment, not compete with adjacent colleges."

A number of public and private universities are concerned, however, that the new university would compete for scarce public and private funds. Some educators question the need for another university in the area. USIU plans to offer a two-year liberal arts program for 250 students initially and "grow to 1,200 to 1,500 within a few years."

Dunn, a lawyer, said the Corvallis site

"fits naturally into our over-all concept of moderate-sized undergraduate campuses that will each allow for a feeling of community but will collectively provide the large undergraduate base normally undergirding any significant full university."

He said, "The university policy stresses academic excellence and a climate of rational inquiry and wholesome, decent living. We are also selective of our students."

(The policy is criticized by some as ultra-conservative and it allows the university to terminate any student without cause.)

"The beauty and serenity of the area around Adair Air Station are very conducive to the success of such a program," said Dunn.

All seven USIU campuses have beautifully styled buildings, large acreages and relatively low enrollments.

Although critics say USIU is spread too thin financially by its aggressive development program, the university says it has the money in its general fund to convert Adair to a campus. Estimated cost is \$250,000. In fact, USIU says it would like to acquire the 152 military houses at the base in addition to the 257 acres and 35 buildings involved in the current transaction.

Federal appraisal of the Adair land, buildings and other improvements being transferred to USIU is \$2.5 million. The appraisal was made by General Services Administration, Auburn, Wash.

The 257 acres and 35 military buildings are a gift to the university for educational purposes. The city of Albany is buying the Adair water and sewage treatment plants for \$355,400, half their appraised value, to serve North Albany, across the Willamette River from Albany proper.

#### NO SPECIFIC PLAN

The university did not give specific finance plans on Adair development as requested in the federal application for the base. HEW officials indicated this was not important because it has lots of information on the university.

The university is operating on a "tight" fiscal program, agreed James Faulstich, economic adviser to Gov. Tom McCall, but he expressed confidence in the university and its trustees.

Some trustees in recent years left the board after expressing lack of confidence in the university's administration.

However the current board of 28 members, except for some Methodist Church representatives, appears to be in strong support of the administration. The church and USIU administration have carried on a long feud over the university's rapid expansion plans.

#### TUITION COST

In the proposal for the Adair branch, tuition, room, board and other services for a student carrying 11 to 16 units would be \$1,081 per quarter, or slightly more than \$3,000 for a regular three-quarter year. This is in addition to laboratory, vehicle registration and other special fees.

University policy allows it to withhold diplomas or credits for any student having outstanding debts to the university or any delinquent bills in the community.

The university said it had planned to open a campus in the Vancouver-Seattle area but was "diverted to Adair by representations and urging of numerous Oregon officials and citizens."

#### POOR USE SOUGHT

Representatives of the Governor's Advisory Committee on Chicano Affairs and Valley Migrant League officials said they tried last summer to get the state to look into taking Adair for vocational, housing and other social welfare needs of low-income persons but failed to get interest.

The Oregon Council of the Poor recently authorized drafting of a proposal to use the base for housing poor people and educa-

tional, vocational, medical, legal and other services for the poor.

The State Department of Education also has indicated interest in the property. And Oregon State University has submitted an application for use of the base if USIU doesn't get it. Charles H. Blumenfeld, OSU executive assistant to the president, said the OSU Department of Education would like the property but the university does not have money to maintain the base.

#### PROPOSED ADAIR CAMPUS: METHODISTS BREAK TIES WITH USIU OVER ITS OPERATIONS—UNIVERSITY SAYS CHURCH BITTER AS INFLUENCE CUT

(By Allen J. Morrison)

The United Methodist Church of America has issued disclaimers that it has any affiliation with United States International University at San Diego, Calif., which plans to open an Oregon campus this fall near Corvallis.

The Southern California-Arizona Methodist Association admits to having affiliation only with California Western University, San Diego, the original of the seven campuses operated by USIU.

The church opposes the international expansion program of USIU.

#### DATES TO 1963

This rift began in 1963 and it was based on the church's feeling that Cal Western was in precarious financial condition and academic "disrepute," according to Dr. Herbert L. Heller, who was with USIU from 1962 to 1965 and served as director of summer sessions at Cal Western.

The university says the long-standing criticism of USIU and its expansion program stems from bitterness over loss of control of the university.

The university said it worked to free itself of church control in order to raise money on a broader base and to remove religious roadblocks in foreign countries where USIU wants to establish campuses.

The Methodist church denies it wants to regain control of California Western or USIU.

#### PROMISE OF ADAIR

Statesman research on USIU was prompted by a present move to give the university 257 acres and 35 buildings at the abandoned Adair Air Force Station north of Corvallis. The U.S. Department of Health, Education & Welfare, however, is holding up the transfer at the request of Sen. Mark O. Hatfield, who is studying free transfers of government land in general and this one in particular.

USIU now has university campuses in San Diego, Colorado, Mexico and England and a high school in Kenya. It plans another university branch at Adair. It also has acquired the old Sundance Air Force Base in Wyoming for a university.

#### HEARD TO GET FACTS

Several officials and organizations concerned with learning more about USIU complain of difficulty in getting financial facts.

The Methodist Church sent a team of Methodist university officials last month to re-evaluate the affiliation with Cal Western. They left after two days, complaining that they couldn't get "meaningful financial information," according to Dr. Russell R. Robinson, district superintendent of the Methodist Church at San Diego.

The Statesman asked for the audits too. The university replied that it has regularly undergone audits by Peat, Marwick, Mitchell & Co., and that the university has trustees with "great capability in financial and business affairs."

#### "SENT TO FEDERAL AGENCIES"

USIU said it furnishes copies of audits each year to the U.S. Departments of Health, Education & Welfare and Housing & Urban

Development. Those agencies said they could not find any recent audits.

The U.S. Office of Education says it asked for audits recently in connection with a request for a government loan extension. This is a rare request among universities.

It reports that it granted the extension, that USIU has again missed a payment, and that it still has not received an audit.

Sen. Hatfield also has written for audits but has not received them.

James Faulstich, Gov. Tom McCall's economic adviser who recommended Adair to USIU, has received the latest regular audit and other data he requested recently from the university.

#### THE 1966 SPECIAL AUDIT

The latest special audit ordered by trustees was in 1966 when there was concern among Methodist members that the administration was not supplying understandable financial reports and was embarked on growth plans without resources to carry them out.

Paul M. Lee, an accountant on that audit, said financial facts could only be "dug out by expert and time-consuming review."

He said some of the accounting practices of the university could mislead trustees, particularly its net equities in various assets, and that writeups in the university's "endowment and invested plant fund," particularly in property appraisals and re-evaluations, were "contrary to general accounting principles."

He added that the university appears to be "filling a higher education role."

#### TRUSTEE IN THE DARK

Mrs. Mary Catherine Stone, a trustee for several years, said she had never seen an audit and did not know of any others who have in recent years. She said President William C. Rust and others on the executive committee handle all the financing.

She praised Rust as a "one-man show" and "financial genius" in keeping the university going. "It has been a miracle that we survived," she said, adding that last summer revenues were "so lean" that several wealthy trustees had to lend the university money to meet operating expenses.

She said they have done this on other occasions.

She added that unrest among students over dismissals of faculty and a "rather conservative student conduct code" appear to be ending.

#### PROPOSED ADAIR CAMPUS: USIU'S CODE TOUGH FOR "CLEAN, WHOLESOME CAMPUS"

(By Allen J. Morrison)

United States International University, planning to open an Oregon campus this fall near Corvallis, reserves the final and exclusive right to deny re-enrollment to any student.

This new rule is part of a USIU Statement of Policies & Regulations adopted in 1970.

Dr. Carl R. Rogers, resident fellow at USIU and an internationally recognized psychologist resigned in June because of the new creed.

In his 4-page letter of resignation to USIU President William C. Rust, Rogers said he would have little objection to the statement of policies if the university had first consulted advisers, faculty and students.

"But for the policies to be presented as a creed, to which every new student and faculty member must subscribe before he is welcome in the university, is really more than I can stomach," he wrote.

#### RULES FOR STUDENTS

The policy statement lays down rules on student grooming, bans alcohol and tobacco on campus and off, and forbids visits between sexes in dormitories and other campus facilities.

Dr. Roger J. Fritz, president of Willamette University in Salem, when asked about USIU's statement of policies, said a few fundamentalist institutions such as Bob Jones University and Wheaton College still reserve the right to dismiss students and faculty without a stated cause.

University vice president Robert S. Dunn told The Statesman that all the faculty in the graduate school returned this year except Rogers.

Some of the university critics, including its Methodist Church affiliation trustees, said they could not understand the conservative doctrine as Dr. Rust, the strong man of the university, has always been a liberal educator.

#### WIDELY PUBLICIZED

The university does publicize the policy statement widely. It says it is necessary for a clean and wholesome campus.

USIU president Rust said the statement of policies is being well received.

There were student and faculty demonstrations against university policies prior to the new statement, mostly over wholesale firing of faculty.

Dr. Herbert L. Heller, who was assistant dean and director of summer sessions at USIU's California Western campus from 1962 to 1965, told the Statesman that President Rust "fired on the least bit of hearsay that implied or directly stated a disagreement with him personally or with his policies or practices. My departure came under the latter category."

#### "SPREAD THIN"

Dr. A. Frederick Bunge, retired associate professor of communications, said, "The major criticism of the operation is that the university is spreading itself thin. While on the one hand the bills cannot be paid at certain times of year, a great deal of money is spent in traveling, employing personnel to develop additional campuses, and maintaining an international image."

Dr. Wayne Dancer, retired mathematics professor, said, "If you people in Oregon let them get Adair you are bigger fools than I think you are."

Sen. Mark O. Hatfield's staff said USIU has an impressive faculty with long experience in broad fields. My brother Donald Morrison, San Diego, president-elect of the National Education Association, agreed that USIU offers good programs.

#### "NEEDS WORLD SCOPE"

"Education today must encompass the world if it is to serve youth adequately," says President Rust. "Such a world scope will come when students have an opportunity to live, talk and study with teachers and colleagues from many parts of the world."

"One major purpose of United States International University is to provide students with these opportunities to learn first-hand about other parts of the world. This will prepare them to live with purpose in our world of change, and to live with others on higher levels of understanding."

In its General Information Bulletin USIU says of itself: "United States International University was established to emphasize areas of human concern and leadership where people work with people—such areas as Human Behavior, Education, Law, Business, International Relations and the full program of the Arts and Sciences. It is our belief that strong academic work on campuses which emphasize wholesome living and a search for meaningful values in an atmosphere permeated with the great insights of our heritage is the combination which best can serve as a basis for study and growth."

#### ALWAYS ITS GOAL

"Since the early days of the University it was planned to expand the institution into a multi-campus international university.

This approach was chosen in order to enable the University to grow without destroying one of its major objectives, that of offering undergraduate education on campus areas with a small enrollment so that the student is able to feel a part of a real campus life."

The university has two undergraduate Colleges of Arts & Sciences, a Graduate School of Business Administration, School of Law, Graduate School of Leadership & Human Behavior, Graduate School of Arts & Sciences, School of Performing Arts, Center for Urban & Human Development and Institute for Educational Management, all at San Diego.

#### ITS MAJORS

It offers departmental majors in art, biology, business institutions, chemistry, economics, English, foreign language, history, mathematics, music, philosophy, physics, physical education, political science, psychology, religious studies, religious education, sociology and speech-drama.

It has an Intensive Study Program at Steamboat Springs, Colo., and "university centers" in England, Kenya and Mexico.

The university is accredited by Western Association of Schools & Colleges and California Department of Education and approved by Veterans Administration. The School of Law is accredited by American Bar Association and California Committee of Bar Examiners and accepted by Association of American Law Schools.

#### PROPOSED ADAIR CAMPUS: USIU FINANCES ARE UNDER REVIEW BY FEDERAL AGENCY

(By Allen J. Morrison)

Questions of financial responsibility of United States International University, as raised by U.S. Sen. Mark Hatfield last week, are under review in the federal Health, Education & Welfare Department.

The San Diego-based university with several campuses has plans for establishing a new campus on the old Adair Air Force Station property near Corvallis.

Some of the same financial questions that Sen. Hatfield raised with HEW Secretary Elliot Richardson have come under State Executive Department examination here in Salem.

James Faulstich, economic adviser to Gov. Tom McCall who recommended that the Adair property be given to USIU, said his review of the university's audit showed "a real tight cash position." But he also said USIU has had a responsible record of public trust and responsible trustees.

#### CASES CITED

The USIU audit, prepared by Peat, Marwick & Mitchell Co., indicated a full accounting of funds but cited a few cases where USIU failed to place money in trusts as required.

Mortgages payable, including notes, trusts, deeds and bonds, have risen from about \$11 million in 1968 to over \$16 million at the end of 1970, according to USIU.

During this period its net worth increased from \$10,832,741 to \$17,756,100, mostly through property acquisitions, endowments and grants.

State official Faulstich did comment that while he felt the university was responsible he didn't think Mexican law has adequate corporation controls.

#### MEXICAN CAMPUS

His comment referred to the International University trustees' decision in June, 1970, to establish a separate corporation in Mexico and open a campus with 31 students at Puebla, southeast of Mexico City.

In authorizing the Mexican corporation, the USIU board also guaranteed a \$560,000 loan to acquire the old University of the Americas campus.

The university also has foreign campuses in England and Nairobi.

## OFFICIALS LISTED

Directors of the university's new Mexican corporation are University President William C. Rust; Robert S. Dunn, vice president of the university; John M. Cranston, chairman of the board; Winston M. Scott, identified as a former U.S. embassy official in Mexico; and Jose Cossio Jr., not otherwise identified in the minutes. An alternate director is Robert H. Walter, president of U.S. Financial Corp. which lent money for the Mexican campus.

Winston M. Scott also was elected to the USIU board in June, along with John R. Fletcher, owner of Mt. Werner Ski Resort, Steamboat Springs, Colo., which is location of USIU's Alpine College and Sperle Ellison, San Diego, vice president of the Hilton Hotels.

## DELAY AGREED

Sen. Hatfield's position has caused the HEW department to delay transfer of Adair to the San Diego university. One of the senator's questions has been why didn't the appropriate federal agencies receive USIU audits as requested during their consideration of the Adair land transfer.

The senator himself said he encountered difficulty getting financial information from the university.

Financial information that HEW had received from the university was relied on by the Corvallis citizens' committee that worked with an HEW planning committee in studying the request for Adair property and subsequently recommending it last year.

## TUITION INCOME

One point that bothers some who have seen International University's audit for 1968-69 is the amount of income reported from tuition—\$3.9 million.

That year USIU reported an enrollment of 3,172 to HEW. At its announced tuition rate of \$535 per quarter that year, the reported enrollment on the face of it should have produced receipts of more than \$5 million, not counting any summer terms.

The Statesman failed in telephone attempts to find any USIU official willing to explain the difference.

Edward Kahn, manager of the USIU audit team for San Diego auditors of Peat, Marwick Mitchell & Co., said any request for such information would have to come from the university. The university's President Rust, board chairman Cranston and board secretary George W. Peck refused to make the request.

Mr. HATFIELD. Mr. President, now let me turn to a few of the points I raised when I met with the Secretary.

First, it is necessary for an applicant for transfer of real property to file an application with the regional HEW office. As I examine the HEW form and the USIU answer, I question whether the school answered adequately the HEW questions.

I ask unanimous consent that question 12 of the HEW—San Francisco—form be printed at this point in the RECORD, to be followed by the USIU answer.

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

## QUESTION 12

12. Give a full and complete statement of the ability to finance, operate, and maintain the facilities requested, including arrangements for conversion, or construction, staffing, operation, and maintenance. Be sure to include the following:

- (a) Capital outlay budget, \$\_\_\_\_\_.
- (b) Special building funds, \$\_\_\_\_\_.
- (c) Undistributed reserve, \$\_\_\_\_\_.
- (d) School tax rate, \$\_\_\_\_\_.
- (e) Percentage of assessed valuation currently bonded, \$\_\_\_\_\_.

(f) Funds available for personnel and maintenance, \$\_\_\_\_\_.

(g) Amount raised by taxations, \$\_\_\_\_\_.

(h) State appropriations, \$\_\_\_\_\_.

(i) Other (contracts, services, federal payments, etc.), \$\_\_\_\_\_.

## ANSWER

12. The University, in the past 18 years, has developed into a major institution under the same President and essentially the same Board of Trustees. It has two major campuses in the San Diego area plus a downtown center for the performing arts; a campus in Steamboat Springs, Colorado; a campus in London, England; a campus in Nairobi, Kenya; and a campus in Mexico City. The University's income comes from tuition and fees plus gifts from corporations, foundations, and individuals who are interested in a strong, academic program coupled with an emphasis on values and wholesome campus living. The University has built two of these campuses from vacant land and has purchased the others. The same program of development that has made this growth and successful operation possible will be utilized as well at the Adair site. The fact that the major portion of the buildings are in existence on this site makes the project much easier to accomplish than those that have already been established by the University.

Mr. HATFIELD. Mr. President, it certainly is clear to me that, while the question wanted dollar answers—and even included dollar signs, USIU did not discuss funds in particular in its answer.

This, I would note, is not the first time that the school was not too candid with HEW. Last summer, HEW gave Sundance Air Force Station in Wyoming, to USIU.

The regional office in Denver used a different form from that used in the HEW San Francisco office. I ask unanimous consent that the appropriate HEW questionnaire—Denver—appear at this point in the RECORD, followed by the USIU answer regarding Sundance Air Force Station.

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

## ABILITY TO FINANCE AND OPERATE

7. (a) Give statement of sources of present financing for operations and for development of new facilities, including statement as to the current availability of funds to carry out the proposed use. (Complete budget or treasurer's report not required.)

(b) If program contemplates major development costs and funds are not currently available, state proposed plans and sources for securing funds to carry out the program and development.

USIU RESPONSE TO HEW QUESTION 7—  
SUNDANCE

It is intended to use the property for educational purposes as a part of the University program. It is estimated that it will be used to accommodate approximately 300 students. The sources of revenue to operate the program will come from tuition and fees, augmented by gifts from foundations, corporations, and individuals.

Mr. HATFIELD. Mr. President, it should be noted here that on the Xerox USIU answer I have, following the typed answer set out above is a Xeroxed pen entry "See attached program." When I read that, I could find no mention of particular finances.

Mr. President, it seems to me, and I hope my colleagues here today agree, that we should insist on a more complete dis-

closure than these answers would indicate. I think you can see that these questions in my mind warranted detailed explanations.

Second, I feel strongly that any educational institution locating in Oregon be financially sound. As you know, I was a college professor before I entered public service, and I have followed higher education in my State closely since then.

In 1967-70, 11 of the 13 Oregon private colleges ran up deficits totaling \$1.6 million. Oregon already has more private colleges per capita than any other Western State—one per 53,000 people, while the Western average is one per 99,000 people. Also, there already are three existing colleges within a few miles: Oregon State University—14,800 students; Oregon College of Education—3,770 students; and Linn-Benton Community College—1,770 students. This is 20,000 students already within 12 miles from Camp Adair. This also raises questions about the student population base from which USIU hopes to draw.

I feel strongly that USIU should be a financially sound institution, and not one which would result in a shaky operation.

I did some checking on the finances of USIU, and my investigation, coupled with the points raised in the Statesman articles, convinced me that a further investigation of this school is warranted.

A letter to me from Mr. Paul M. Lee, a C.P.A. in Los Angeles, shed light on the financial operation of the school from 1960 to 1965. I ask unanimous consent that the letter to me from Mr. Lee appear at this point in the RECORD.

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

LOS ANGELES, CALIF.,  
January 4, 1971.

HON. MARK O. HATFIELD,  
U.S. Senator,  
Committee on Interior and Insular Affairs,  
Washington, D.C.

DEAR SENATOR HATFIELD: In your letter of November 30th you asked questions regarding the work of an Audit Study Committee relative to California Western University of San Diego (now a part of United States International University.)

The reason the 1966 review of financial reports was performed was that there was widespread concern among many Methodist members of the corporate governing body that the administration, backed by a majority of the Trustees, was not supplying understandable financial reports and was embarked on growth plans possibly not manageable within the resources available to the University. Concurrently, there was deep concern that if the University was to continue successfully as a Methodist-sponsored institution all responsible persons ought to—

(1) truly grasp the key financial facts at all times

(2) evaluate the financial risk that the Southern California-Arizona Annual Conference of the Church was exposing itself to if the financial affairs of the school (as an instrument of the Conference) were deteriorating to the point of danger from general creditors.

At this same time, all concerned were debating the fact that University leadership was committed to aggressive expansion, and that such plans envisioned obtaining heavy financial support from other-than-Methodist Churches and from public and governmental sources. This program implied that the Methodist position of prime sponsorship of the

school would be relinquished, and the wisdom of all this was being argued. This was the climate at the time the committee I served on was asked to study and comment on the audited financial statements of the University.

As to the conclusions reached by the Committee I first refer you to the report of the Committee, copy enclosed. My own condensation of the report is as follows:

(1) The financial facts relative to results of operations of the University over a five year period, July 1, 1960 through June 30, 1965, could be dug out of the reports, but only by expert and time-consuming review.

(2) The net equities the University had in its various assets were stated acceptably but the presentation required the reader to be really alerted to how increases in equity, achieved by appraisal write-ups, had been treated in earlier years if he was to make a judgment about the cumulative operating results. Without that knowledge the statements could be misleading.

(3) A display in the Invested Plant Fund and in the Endowment Fund of cumulatively how much equity derived from write-ups to appraised valuations for property would have improved the financial statements. At June 30, 1965 the Invested Plant Fund equity included \$1,979,538 of such write-ups; the Endowment Fund, \$856,045. The point is not that the Trustees can't recognize these valuations, but that they have an obligation to at least preserve for the current reader of reports an understandable record of them. (As the auditors reported, write-ups to appraisal values are contrary to presently accepted general accounting principles.)

(4) The matter of recognizing appraisal values ought to be a two-way street. The June 30, 1965 financial reports showed City Center Campus Land and Building valued at \$1,272,000. A footnote implied its present market value to be very substantially less.

In general, the outcome of the overall policy debate I refer to was that the Southern California-Arizona Annual Conference of The Methodist Church (now the United Methodist Church) has relinquished its predominant role as the controlling influence with the school. The Trustees and the administration have gone ahead and accomplished, in a number of respects, some of the plans under discussion in 1965 as well as extensions of them.

I have not seen financial statements of the University beyond the June 30, 1965 date. No official or unofficial follow-up of the Committee's review was called for, so I have no way of knowing the extent to which the Committee's criticisms were dealt with, if at all, in subsequent financial statements. I believe the implied call for improved disclosure in the financial statements of the Funds covered important matters of principle and important amounts of money, so I hope there was constructive response.

I trust these comments meet your need. Also I wish the very best outcome, in all ways, for the growth of the University. It has accomplished a great deal and appears truly to be filling a higher education role.

Very truly yours,

PAUL M. LEE.

Mr. HATFIELD. Mr. President, this added even more weight to my thinking that HEW should not rush into approval of this land transfer. The school's records should be examined to see if these changes have been made. I wrote Dr. Wm. Rust, president of USIU, requesting copies of recent USIU audits, but these never have been sent by Dr. Rust.

The third of my main points I raised with Secretary Richardson concern a letter to me from Mr. Richard R. Holden, of the Office of Education of HEW. I ask unanimous consent that his letter appear at this point in the RECORD.

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

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE,  
Washington, D.C., January 12, 1971.

HON. MARK O. HATFIELD,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of January 6 concerning U.S. International University.

Enclosed is a schedule showing the participation of this University in the Academic Facilities Program authorized by the Higher Education Facilities Act (HEFA) of 1963, as amended. Only one direct loan has been approved, and this one in the amount of \$1,212,000, which was approved in FY 1967, was used together with a Title I Grant to assist in financing the construction of an academic complex on the Elliott Campus. The loan was closed in October 1968.

A debt service reserve payment due January 1, 1970, was not made in a timely manner. However, the payment was made to the

Trustee within 60 days after the due date. An additional debt service reserve payment of \$23,000 and an interest payment of \$18,180 became due January 1, 1971, and the University has requested until February 15, 1971, to make these payments. Permission for this extension has been granted.

Construction of the five projects for which Title I Grants have been approved is being delayed, according to advice from our regional office, due to the difficulty being encountered by the University in raising the required matching funds. On two of these projects (4-9-00399-0 and 4-9-00429-0) the University has filed applications under Section 306 of HEFA for annual interest grants to assist in meeting part of the debt service on private loans. These annual interest grants have not yet been approved.

Although requested, we have not yet received a copy of the University's recent financial reports.

If we can be of any further assistance, please let us know.

Sincerely yours,

RICHARD R. HOLDEN,  
Director, Division of Academic Facilities.

U.S. INTERNATIONAL UNIVERSITY PARTICIPATION IN HEFA 1963, AS AMENDED—AS OF JAN. 7, 1971

Project number and campus	Approved			Title III direct loan
	Total development cost	Title I grant Amount	Year awarded	
<b>Construction completed:</b>				
4-9-00101-0—California Western University	\$1,044,421	\$272,000	1965	0
4-9-00102-0—California Western University	406,977	126,125	1967	0
4-9-00103-0—California Western University	670,752	175,173	1967	0
4-9-00152-0—Elliott	2,975,709	911,938	1966	\$1,212,000
4-9-00434-0—City center	105,326	32,292	1968	0
Subtotal	5,203,185	1,517,528		1,212,000
<b>Construction not started:</b>				
4-9-00399-0—California Western University	780,277	260,092	1968	0
4-9-00429-0—Elliott	1,083,506	361,168	1968	0
4-9-00486-0—Elliott	2,001,820	721,155	1969	0
4-9-00490-0—Elliott	1,132,600	566,300	1969	0
4-9-00491-0—Elliott	555,930	277,965	1969	0
Subtotal	5,554,133	2,186,680		0
Grand total	10,757,318	3,704,208		1,212,000

Mr. HATFIELD. Mr. President, a member of my staff discussed this matter with a staffman in the Office of Education. He said that when USIU requested extensions of the payment dates, that the OE requested audits over the phone from the school.

The OE had approved these requests, but USIU did not send the audits for 1968 and 1969 until OE sent a registered letter demanding them. The audits arrived Monday, February 1, the very day that Secretary Richardson gave final approval of the transfer.

I also want to point out that this material was made available to Secretary Richardson at our meeting on January 22.

Last Friday, February 5, a letter arrived from Secretary Richardson discussing my questions about the transfer. I ask unanimous consent that this letter appear at this point in the RECORD.

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

THE SECRETARY OF HEALTH,  
EDUCATION, AND WELFARE,  
Washington, February 3, 1971.

HON. MARK HATFIELD,  
U.S. Senate, Washington, D.C.

DEAR SENATOR HATFIELD: After our discussion on January 22 regarding our proposed conveyance of the former Adair Air Force Station, Corvallis, Oregon to the U.S. Inter-

national University, I requested my Office of Surplus Property Utilization to furnish me with factual data on the several areas you felt were not fully covered in the University's application and proposed program.

My analysis of all data has led me to conclude that USIU programs, multi-campus concept, and willingness to assist students to reach their college level potential, are exciting and attractive to college age students. Hence, students are not primarily drawn from the State in which a USIU campus is located, but from all States.

USIU's financial status does not appear to be a serious obstacle to their performing under their proposed program at Adair. Furthermore, since no local or State funds will be involved and the funds to be spent by USIU at Adair will help the economy in the area, and since the government also is not risking any loss if USIU does not complete its proposed program, I can only conclude there is much to gain and nothing to lose by completing this conveyance. Thus far, USIU has more than kept good faith in meeting program commitments for all other properties the Department has conveyed to it.

For these reasons, I have determined to proceed with the conveyance. Your interest in calling my attention to some areas of possible weakness in our surplus real property application procedures is appreciated, and we are taking steps to strengthen these procedures.

With kindest regards,  
Sincerely,

ELLIOT RICHARDSON,  
Secretary.

Mr. HATFIELD. Mr. President, in closing my remarks today, I ask unanimous consent that editorials reflecting Oregon opinion on this transfer appear at the conclusion of these remarks. This shows that the people of Oregon want a delay in this transfer. I will have more to say on this subject at a later date.

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

**KPOK EDITORIAL**

DECEMBER 12, 1970.

The following is an editorial representing the opinion of KPOK.

It appears to us that a review of procedures in regard to government disposal of surplus property is in order. This has been brought to light by the proposed transfer of Camp Adair to a San Diego based university called the United States International University.

According to information from the office of Senator Mark Hatfield, USIU has obtained a considerable amount of property through government transactions. We are not suggesting that there has been anything legally wrong with obtaining property in this manner, but we do question a procedure that would turn Oregon land over to a private college from another state when good use could be made of it by our own state.

Senator Hatfield has requested a "hold" be placed on the transfer. This would allow time for clarification of procedures followed by the General Services Administration and the Department of Health, Education, and Welfare.

It is possible there is legislation needed to tighten governmental property disposal procedures. The Camp Adair situation would certainly indicate that more precise guidelines are called for.

Your contrary opinions are invited. Address your comments to: R. M. Brown, Editorials, 1019 S. W. 10th Avenue, Portland, Ore.

[From the Eugene, Ore., Register-Guard, Dec. 19, 1970]

**A SECOND LOOK**

Without knowing exactly what he has in mind, we welcome Sen. Mark Hatfield's request that the proposed transfer of Camp Adair property to a California-based private college be held up.

This deal just doesn't feel right. This is not to say anything against the federal government, which apparently followed proper procedures in trying to dispose of the Adair property, or against United States International University of San Diego, which wants to start a new campus on the 204 acres it hopes to get free of charge.

The trouble is that this state does not need another private college. Most of the ones it has are in deep financial trouble. The governor is proposing that state money be used during the next biennium to try and keep them afloat.

If USIU is an exception to the rule and for some reason is quite self-sufficient, it will represent more competition for the existing private schools. If USIU turns out to have the same money troubles as the others, it probably will join them in seeking public rescue. Either way, the school promises to be more of a burden than a blessing for the Oregon public.

If no one else expresses interest in the Adair property, it would seem unfair to deny it to the only bidder. On the other hand, the interests of the public as well as of the bidder should be taken into consideration.

The State Department of Education is now actively pressing for the Adair land as a site for a proposed state environmental education center. That idea may be no good, but it deserves to be heard.

There should be time for a second look at the possible uses of Adair.

[From the Oregon Statesman, Salem, Ore., Jan. 21, 1971]

**DELAY TRANSFER OF ADAIR**

There are too many unanswered questions about the policies and prospects of United States International University to warrant turning over the valuable Adair Air Station tract to it at this time.

In fact, the more answers The Statesman gets to the months of investigation this paper has done into USIU, the more we are unsure USIU should take over Adair at all.

The Statesman begins to recount today, in the news columns on page one, the information—and the answered questions—which this investigation has produced. Much of it has been assembled by Allen J. (Bud) Morrison, a veteran investigative Statesman reporter. His investigation has involved hundreds of letters and conversations with persons associated with all phases of the university's operations.

We have had the most helpful cooperation of Sen. Mark Hatfield and his staff in Washington, D.C., in getting to the source of federal agency information dealing with USIU. Sen. Hatfield is meeting today with Elliott Richardson, secretary of Health, Education and Welfare, to bring to his attention the material collected so far and to encourage further and deeper inquiry before the property is turned over to USIU.

The picture which has emerged so far, as is being detailed in the news articles, is of a university which, in addition to its respected academic standing and faculty, is accumulating vast and widespread tracts of land. It shows a university with limited financial resources talking of large investments in capital expansion. It also shows delays in accomplishing those ends.

It also shows a complicated corporate structure with an unusual amount of control and authority lodged in the officers of the institution, headed by President William Rust.

He has unquestioned organization and financial ability, but while his administration has been adding hundreds of students, it has been adding thousands of acres.

The Statesman also is disturbed by the superficialities of the investigations of USIU made by government officials and agencies. All too often, the data supplied by USIU has been accepted without question or genuine investigation. Much of the financial data has been accepted without audit confirmation.

Combining the record of USIU's expansion policy and evidences of the cursory nature of the inquiry made prior to accepting the USIU offer for Adair, The Statesman is not convinced the public's interest is being properly safeguarded.

This does not mean, however, that further investigation might not bring forth reassurances. It does mean that further, more detailed inquiry is warranted.

The Adair tract must not be allowed to become a part of a university's land bank. If it is to be used for higher education it should be as a productive campus bringing both educational and economic returns to the Mid-Valley.

[From the Oregon Statesman, Salem, Ore., Jan. 29, 1971]

**FEDERALS MAKE SLIPSHOD INQUIRY**

Discovery of the appallingly lax investigations which federal agencies make of applicants for public lands and resources is one of the most important results of The Statesman's inquiry into the proposed transfer of the Adair Air Station tract.

The federal government is giving away billions of dollars in money and land to educational and other institutions. Our study of the plan to give the Adair land to United States International University of San Diego indicates that the government accepts data from applicants without even questioning it.

The investigation by Statesman Reporter Allen J. (Bud) Morrison revealed that the Department of Health, Education and Welfare, which was acting on the USIU application, had a great deal of out-of-date and incomplete information on the university. A list of USIU's board of trustees, supplied by HEW, contained six incorrect names, for example.

In applying for the Adair land, USIU returned an incomplete application to HEW. When asked about this, a HEW official replied his office had "plenty of information" on USIU. Financial data supplied by USIU to HEW was incomplete. No follow-up inquiry was made. A HEW request for an audit has been repeatedly ignored by USIU without penalty.

The U.S. Office of Education, also in HEW, had information about USIU delaying its debt payments, but this information wasn't available to the HEW headquarters where the Adair application was being processed.

HEW had no record of or knowledge of resolutions passed by the USIU board of trustees giving unusual financial controls to officers of the institution.

HEW had no accurate compilation of the vast acreages which USIU is assembling as the agency determined whether to add Adair to the list.

Citizens are forced to rely upon these government agencies to protect their interests. The Corvallis area citizens committee which investigated the Adair tract application, for example, relied upon the federal technical team from HEW in assessing USIU without realizing how incomplete the HEW investigation had been.

When taxpayers' money and public land is being given to non-profit institutions, the public has an interest in such things as what mortgages and investments the institution has and what controls exist over subsidiaries in foreign countries.

This information apparently isn't being collected and verified. Like the dinosaur, the federal agencies have become too big for their brains. They can't carry out all the responsibilities assigned to them.

It is disturbing that the valuable Adair tract was almost turned over to USIU without adequate investigation, but it is downright depressing to think of the countless other transactions in which public resources are almost certainly being dispensed using the same slipshod standards.

[From the Oregon Statesman, Salem, Ore., Jan. 30, 1971]

**"A BIRD IN THE HAND"**

The Corvallis Gazette-Times continues to endorse the transfer of the Adair Air Station property to U.S. International University in the face of calls for further investigation by this paper and by Sen. Mark Hatfield.

The Gazette-Times asks, "what do we have to lose?" No other industries or organizations capable of using the property fully have come forth with offers.

It counters fears that the land might not be used by pointing out that "unless the property is operated as an educational institution, it reverts to the federal government."

Adair is one of the prime tracts in this valley, equipped with valuable buildings and public utilities. The public has a great deal to lose if the tract is developed only minimally. We mustn't lose track of the bitter disappointment the Boardman tract deal with Boeing has become.

So a close look is warranted at USIU's development of the other campuses they have added.

The institution acquired its Elliott campus in San Diego as a gift from the government. At last report, its 400 acres had 800 students. USIU reports only 79 students on its 80-acre Alpine College campus in Colorado. It is committed to develop a campus at Sundance Air Force Base in Wyoming, again on property donated by the government.

It reports only 31 students on a 200-acre campus in Mexico, and it is in the process of disposing of its 500-acre campus in England and purchasing another tract of land. But even when it was in operation, it reported only 107 students.

Should Adair be entrusted to a university with such a record of developing new campuses?

The Gazette-Times, in supporting the USIU application, opines, "A bird in the hand is worth two in the bush." But before accepting a bird in the hand, you have every reason to look at the previous habit patterns of the bird.

[From the Oregon Statesman, Salem, Oreg., Feb. 6, 1971]

#### ADAIR QUESTIONS UNANSWERED

Doubts that the public's interest is being safeguarded were affirmed by the incredible decision to give the valuable Adair Air Station land to United States International University without answering the serious questions raised by Sen. Mark Hatfield.

As the result of his own and this paper's lengthy investigation of USIU, Sen. Hatfield presented Sec. of Health, Education and Welfare Elliot Richardson with a substantial list of questions and information on Friday, Jan. 22.

HEW had tentatively decided to turn Adair over to USIU. A "hold" had been placed on that decision pending the presentation of Sen. Hatfield's material.

Upon receiving it, Sec. Richardson said, "This is all new information to me." The Statesman, through its investigative reporter Allen (Bud) Morrison, had spent months in helping assemble that information.

Only a long and thorough investigation—something obviously not done by HEW up to that time—could possibly answer the questions and resolve the doubts.

Instead, a little over a week later HEW notified Sen. Hatfield that the transaction with USIU is being completed without the courtesy of answering a single question which Sen. Hatfield raised.

Sec. Richardson had left the matter in the hands of Asst. Sec. Sol Elson who refers to USIU President William Rust as "my personal friend."

President Rust, incidentally, had an excellent opportunity to provide details on his plan for using Adair when he gave the Corvallis First Citizen banquet speech last week. Instead, he never mentioned the subject.

The past record of USIU in acquiring public land amply demonstrates the effectiveness of USIU's special department which is devoted to making such acquisitions.

USIU has discovered that by relying upon its reputation, it can avoid providing the federal government with the specific information on applications which is required of other applicants.

A study of the applications submitted by USIU for public land in San Diego, Sundance Air Force Base, Wyoming, and Adair shows that in no case has it been necessary for USIU to provide the detailed financial information requested.

USIU repeatedly replied in generalities to the specific requests for demonstration of financial ability to develop its campuses. It repeatedly ignored requests for audits. A USIU audit belatedly arrived at the HEW office on the afternoon before the Adair transfer was made. Obviously there was no thorough study of investigation made of the facts reported in that document.

The argument that USIU should be given the property because no better use can be found for it at this time is without merit. Far better to wait a while longer than to turn over this valuable public tract to a university with a clear record of campus underdevelopment and with serious questions unanswered concerning USIU's financial capability and control.

Although the Oregon Legislature and state officials do not have the power of decision in the Adair case, they share in the responsibility for protecting the public interest. They, too, should not be satisfied until the questions raised by this investigation have been answered satisfactorily.

[From the Capital Journal, Feb. 4, 1971]

#### BETTER USE?

There's not much doubt that better use could have been made of Adair Air Station land than deeding it to United States International University.

The trouble is that nobody who suggested other uses came up with a plan and the money to finance it that could be acted on quickly. And the federal government wanted it dumped.

The Corvallis Gazette-Times, in endorsing the decision to give it to the university, made the point that some use ought to be made of the property and that USIU suited the newspaper, and Corvallis, just fine.

If the ball was dropped, and we think it was, it was by those who opposed the transfer to USIU but failed to propose anything better than talk.

But there are a couple of left-over thoughts that bother us.

USIU is a strange operation, with more land than students and more brochures than money. It has an administrative organization that allows plenty of room for wheeling and dealing.

The U.S. Department of Health, Education and Welfare, which approved the transfer, did a superficial investigation. It failed to check out the multitude of questions raised by the Oregon Statesman or answer all the questions asked by Oregon's congressional delegation.

We'll join many others in watching USIU's use of Adair with interest.

[From the Oregon Journal, Feb. 4, 1971]

#### UNANSWERED QUESTIONS ON ADAIR

Serious questions have been raised recently about the transfer of the unused military base, Camp Adair, to the United States International University.

The rush to sign over the deed to the San Diego-based collection of institutions without clearing the questions was unwise. That action is bound to add to the doubts that already exist as a result of investigations by Sen. Mark Hatfield, R-Ore., and the Oregon Statesman.

Both the Salem newspaper and the senator expressed dissatisfaction with financial information about USIU, the power of its officers and its operations on some of its campuses. The Statesman wondered whether USIU really is more of a real estate company than an institution of higher education.

The findings, if nothing else, suggested a go-slow approach and further investigation into the university's intentions and ability to carry out its announced plans.

But another question also should have been considered. Even if USIU does develop a liberal arts college on the surplus base near Corvallis, is there a need for another private college in Oregon, especially at a time when many of the existing schools are facing financial difficulties that threaten their existence?

It is understandable that the Corvallis community is eager to see the Adair facility returned to productive use. But whether turning it over to USIU is the best long-term use is in serious doubt. It should have been cleared up before the property was transferred.

[From the Eugene Register Guard, Feb. 5, 1971]

#### THIS ADAIR TRANSFER DOESN'T MAKE SENSE

The federal government's decision to give \$2.5 million worth of land and buildings of the former Camp Adair Air Force base near

Corvallis to a San Diego-based private university looks like a mistake.

The public policy implications of this transfer just don't make sense.

Oregon now has 13 private colleges. All but two or three are in such financial straits that their current income won't meet their current expenses. The governor is proposing and the Legislature is considering means to help these hard-pressed institutions with money from a public treasury that cannot adequately support the public colleges for which the state is already responsible.

The handwriting in fluorescent ink says that some of the private colleges in Oregon—and many across the country—are going to be forced to merge or close.

In the face of this situation, the state would have cause to be unhappy about the establishment of any new private college here, even though that institution were standing on its own feet and paying its own way.

But in the transfer of Adair property to United States International University, the federal government in effect is offering a \$2.5-million subsidy to entice this college to set up a new campus in Oregon.

It would make as much sense for the government to go to West Virginia and set a new coal mining firm up in business next to a dozen others that are going broke.

Even if this were not the case, and if Oregon had some reason to desire the establishment of more private colleges, there is reason to wonder whether it would choose the one that seems destined to get the Adair property.

The most recent and most extensive public examination of this school was conducted by Allen J. Morrison of the Oregon Statesman. Morrison wrote a troubling series of articles for his Salem newspaper.

Based on what he found, Morrison told an Oregon legislative committee in a hearing Wednesday that USIU appears to be more of a "giant real estate holding company than a university . . . they have an incredible number of bank accounts and an incredible amount of land, but no students."

USIU, according to Morrison's research, has seven "campuses" with a total of 3,827 students. But these gross figures include a 200-acre campus in Mexico with 31 students; an 80-acre campus in Colorado with 79 students; a 500-acre "picturesque" campus in England with 107 students. An operation in Kenya, Africa, has 200 students, but they are high school rather than college level. The main 200-acre campus in San Diego has 2,425 students.

What kind of educational program can be supported on so small a student base?

Moreover, the school seems inordinately successful in picking up surplus federal land from abandoned military bases. It got 400 acres of an abandoned Marine base in San Diego in 1965. It plans to open new campuses this fall on 55 acres of a former Air Force base in Wyoming in addition to the 257 acres it expects now at Adair. There is nothing inherently wrong in this. Yet it doesn't seem reasonable for a university whose land holdings already far exceed its needs as gauged by present or prospective enrollment to be the recipient of so much surplus federal land.

Land grants are a historically honorable form of government inducement for private development that is in the public interest. The Adair equivalent of a land grant to this institution does not appear to meet that test.

#### IN SUPPORT OF A COUNCIL ON SOCIAL ADVISERS

Mr. MONDALE. Mr. President, last year the Senate passed S. 5 of the 91st Congress, a bill to create a Council of Social Advisers and to advance both the art and the use of social indicators.

I very much regret that the measure was not passed by the House of Representatives, but I am hopeful that the Senate will again, in this Congress, see the wisdom of providing both Congress and the administration with the kind of vital social statistics we need in order to govern better the America of the 1970's.

I was pleased with an editorial published in the St. Paul Dispatch of January 11, supporting this Council and urging that a renewed effort be made in this Congress to enact this legislation. I fully intend to make this renewed effort.

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:

[From the St. Paul Dispatch, Jan. 11, 1971]

#### SOCIAL ADVISERS COUNCIL

Since 1967 Sen. Walter Mondale has advocated establishment of a National Council of Social Advisers patterned after the Council of Economic Advisers, which was created in 1946. He plans to renew his advocacy of this proposal in the current Congress.

Each year it becomes more evident that America's multitudinous, uncoordinated and often overlapping and conflicting programs intended to promote "social progress" are not achieving the desired results. Billions of dollars of public funds are spent annually on these efforts, but the problems remain unsolved.

As Mondale puts it: "The gulf between those who participate in the promise of America and those who cannot participate cries out for a bridge, but we still do not know how long a bridge we need, or what it must be built of, or how to anchor it on either side of the abyss."

His proposal is to have Congress establish a three-member Council of Social Advisers with an adequate staff, which would make an annual "social report" to the nation. He also urges that a new joint congressional committee be formed to deal with issues raised by the Council. This organizational structure would correspond to that of the present Council of Economic Advisers and the Joint Committee on Economics of the House and Senate.

The Council of Economic Advisers, says Mondale, "has provided a forum where economists, Presidents, members of Congress, academicians and leaders of business and labor can speak and be heard on questions of our economic health. We can hope for similar results in social analysis, reporting and discussion from the establishment of a Council of Social Advisers."

Both Congress and the Executive Department now approach social problems on a piecemeal basis. The inter-relationships of various programs are often ignored. Results can be beneficial in one direction but disastrous in another. Highway construction and urban renewal projects have brought benefits for some, but also have produced tragic consequences for others through relocations, displacements and loss of housing and employment opportunities where they formerly existed.

It would be the duty of a Council of Social Advisers to try to bring about greater coordination of programs and to measure results in terms of actual human betterments, as well as to make recommendations for specific actions.

The Council of Economic Advisers of course has not been able to resolve all the nation's economic problems and it does not have authority to decide government policy. Decisions are left to the legislative and executive machinery. The same would be true for a Council of Social Advisers. But the Economic

Advisers have contributed significantly to improvement of government policy in this field. Comparable benefits could be expected from a Council of Social Advisers.

Congress would advance social progress by adopting the Mondale proposal.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the time for morning business has expired.

#### AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. FANNIN. Mr. President, every 2 years when the Senate discusses its rules, we are reminded that without unrestrained debate in the Senate, Arizona would not be a sovereign State. Arizona would be a part of the State of New Mexico.

In 1906, and again in 1911, it was the Senate which insisted on statehood for Arizona. Had it been easy to stifle debate in the Senate, the land that now is Arizona would have been gobbled up by the neighboring State of New Mexico. And this would have been against the will of the vast majority of the people of Arizona.

Even today the rule requiring a two-thirds vote to cut off debate is protection of the rights of Arizonans.

Unlimited debate protects the rights of minorities. A majority of the Senate is not necessarily always right, and extensive debate can prevent hasty actions that are not in the best interest of our people.

The Senate is the only forum on Government guaranteeing full discussion of the important issues. We must preserve this forum.

Filibusters can be halted when there is a truly pressing need for legislation. When the issues are great enough, when legislation must be passed, it is not difficult to get a two-thirds vote of the Senate. I have confidence in my fellow Senators. I do not think that one-third of

them would fail to see the urgency of passing legislation vital to our national interest.

Now, Mr. President, some people are suggesting that three-fifths should be used as the cutoff figure, rather than two-thirds. We could argue from here to eternity about the relative merits of these fractions. Three-fifths, of course, makes a nice even percentage—60 percent. Two-thirds is in a sense a bit more cumbersome, it is true. It amounts to 66⅔ percent. However, I do not think this really has caused too much of a problem in our mathematical calculations.

Our Founding Fathers were not concerned about the matter of even percentages.

They decided that it should take two-thirds of the Senate to ratify a treaty.

They decided that it should take two-thirds of the Senate, and of the House, to override a Presidential veto.

They decided that it should take two-thirds of the Senate, and of the House, to propose a constitutional amendment.

They decided it should take two-thirds of the Senate to convict on impeachment.

Mr. President, I have just touched on some of these matters. They should be explored in much more depth. There also are other facets of this problem that we should delve into.

#### CHECKS AND BALANCES

Mr. President, we pride ourselves on the fact that we have a government of checks and balances. This is a guarantee that one portion of our Government will not get carried away and take hasty, unwise actions that are against the best interest of the people of our country.

There is one quotation which has been heard in these Chambers often before, and will be heard again. And for good reason. It is a warning issued by the great French statesman and author, Alexis de Tocqueville. This message is as timely now as it was when it was written in the 19th century. This is what he said in "Democracy in America":

If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority. . . . Of all the political institutions, the legislature is the one that is most easily swayed by the will of the majority. . . . I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny.

Mr. President, the rule guaranteeing unlimited debate in the Senate is one security against tyranny. It is a safeguard that we should keep. I do not see the virtue in reducing this safeguard by any amount, even as little as the 6⅓ percent that would be accomplished by changing from a two-thirds to a three-fifths vote.

We have discussed what a French expert on political systems had to say about the American system of government. Another foreign expert drew similar conclusions in more recent times.

Prof. Ernst Fraenkel of the Free University of Berlin made note of the major difference in the House and Senate

procedures when he wrote "American System of Government." Professor Fraenkel said:

The most significant difference . . . between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate.

I could, of course, cite a number of other authorities, including eminent American political scientists, scholars, and statesmen who see the right of unlimited debate in the Senate as one of the keystones of our system of government.

The Honorable Robert Luce, in "Congress: An Explanation," wrote:

Many of the wise men who have served in the Senate have come to believe that it is important that there should be one place in the legislative journey where the opportunity for discussion is unfettered. They have found that this has not in the end prevented any decisions persistently wanted by the people, but on the other hand has stood in the way of much action that the country has come to conclude would have been unwise.

Prof. Lewis Froman, Jr., in "The Congressional Process," said:

The ability of any Senator to speak for as long as he chooses is one of the most sacred of the institutions of the Senate and distinguishes it quite sharply from the House of Representatives, or, indeed, any other legislative body in the world.

#### ARIZONA

Mr. President, as I have said, the matter of unlimited debate in the Senate is something that is dear to the heart of Arizonans. We in Arizona are proud of our State. As much as we respect our neighbors and neighboring States, we are indeed happy that we are not a part of any of them.

Arizona pioneers were especially determined that there should be a separate State. They did not take kindly to the idea that Arizona should be tagged onto another State.

Let me point out some of the elements in the settlement of Arizona and some of the events that led up to statehood. This is pertinent to any discussion of the filibusters which I have mentioned.

First, of course, there were the Indians, then came the Spaniards who were intent on searching for gold, spreading their religion, and bringing some civilization to what seemed then like a very hostile land.

Here is a capsule history as given by one encyclopedia:

Agitation for statehood, which began as early as 1872, seemed on the point of success in 1891, when a constitution was drafted, submitted to the people of the state, and ratified. The U.S. Senate objected to this constitution because it seemed to repudiate certain contracts and set up a double monetary standard. The Senate continued to reject bills providing for statehood until the state sent up a new constitution in 1910. The constitution raised a question of national importance in the form of a provision for the recall of judges by popular vote. After much argument Pres. William Howard Taft and Congress finally agreed on a resolution granting statehood on condition that the provision for recall be struck out. This was done, and on Feb. 14, 1912, the president signed the proclamation admitting Arizona as a state. After admission the people of the state promptly inserted by amendment the original provision for the recall of judges.

As we look at history, Arizona was acquired from Mexico in 1848 and became a separate territory in 1863. From that time until attainment of statehood its organic law consisted of sections of the revised statutes of the U.S. While the territory was Democratic, its administrative officials were Republican; so the territorial governor worked with a legislature of the opposite party. One important control was the Arizona rangers, organized in 1901 to protect the cattle interests against thieves. Licensed public gambling was prohibited by law in 1907, but later became a vital issue until an attempted constitutional amendment legalizing gambling was defeated at the election of 1950. The Constitution specifically protected child labour.

Constitutional amendments of 1912 provided for recall of judges and for woman suffrage; an amendment (1914, 1916) provided for prohibition but was repealed by referendum in 1932; an attempt to secure local option was defeated in 1950 by popular election. The death penalty, abolished in 1916 as a liberal political issue, was restored in 1918, and in 1933 there was ratified a constitutional amendment making lethal gas the state's mode of capital punishment. All of these things caused agitation for something to be done.

Mr. President, as we can see, the agitation for statehood for Arizona began 99 years ago in 1872. It took 40 years of struggle to achieve statehood. As I have just said, the U.S. Senate was at times a roadblock on Arizona's pathway to statehood. But the U.S. Senate also was the savior of Arizona.

On January 25, 1906, the House of Representatives took up a bill to combine the territories of Arizona and New Mexico into a single State. The House of Representatives rules provided for only a few hours of debate. As a result, the House passed the bill by a vote of 195 to 150.

It was fortunate for Arizona that in the Senate, debate could not be cut off. A few determined Senators would not let this very unfair bill pass until it was amended to provide that the people of each of the proposed States had an opportunity to vote on whether they wanted joint statehood.

Mr. President, this statehood bill affected not only Arizona and New Mexico. It also proposed statehood for Oklahoma combined with the Indian territories.

Some Senators argued that it was urgent that the statehood bill be passed in 1906. They said it was time that the boundaries of the continental United States be filled completely with States.

These Senators said that it did not matter that Arizonans may be 5 to 1 or 10 to 1 against joining New Mexico as a single State.

The majority of the Senators obviously felt—and some of them argued on the floor—that once the deed was done, Arizonans would eventually come around. In other words, they were ready to jam this bill down the throats of Arizona residents.

Proponents of this bill had no qualms about subjugating Arizona to a State government that obviously would be dominated by New Mexico interests.

One of these proponents went to great lengths to describe Arizona as a backward land that did not deserve statehood on its own.

One of the key spokesmen for this bill in the Senate took up nine pages of the CONGRESSIONAL RECORD discussing this bill on February 26, 1906. His rationalization for the joining of Arizona and New Mexico is very interesting.

First, I must concede that the bill would have made one concession to the people of Arizona. The name of the State, as proposed in the bill would have been "Arizona" rather than "New Mexico." But that would have been little consolation to those in Arizona territory who were bitterly opposed to this forced marriage.

Mr. President, I would like to cite some of the arguments made for the bill in 1906.

On the Senate floor, Senator Dick said:

Mr. President, this bill (H.R. 12707) provides for the admission of New Mexico and Arizona as one State under the name of Arizona.

#### AREA OF ARIZONA AND NEW MEXICO, AND POPULATION

New Mexico has an area of 122,460 square miles. Arizona has an area of 112,920, and, combined with New Mexico as one State, will have an area of 235,380 square miles. This area is the land surface. The Territory of New Mexico has a population, as given in the year 1900 by the census, of 195,310 people, and Arizona by the same census contained a total population of 123,000, in round numbers, but of that number some 25,000 were Indians, leaving a net population of the Territory at that time, as given by the census, of some 98,000.

New Mexico at the same time had a population of twelve or thirteen thousand Indians, leaving something over 180,000 as the net American population of that Territory.

#### RELATIVE SIZE OF NEW STATE OF ARIZONA

While Arizona and New Mexico combined will make a very large State, in area it will still be smaller than the State of Texas, for five of the smaller Eastern States could be added and it would still have less square miles than the Lone Star State. If we eliminate that portion of the area which is unfit for habitation, the size of the new State would be reduced very materially. The Territorial Delegate in Congress from Arizona said very recently:

#### "TWO HUNDRED MILES OF DESERT MOUNTAIN WASTE"

"Two hundred miles of unsettled country lies between the two Territories along the great Continental Divide, and that vast area will remain forever practically unsettled and untenanted, except by the roving followers of flocks of sheep and herds of cattle, and these may never come on account of the scarcity of water and forage in that inhospitable desert mountain waste."

A strip of this size would equal the area of Ohio and Indiana combined, and is by no means all of the area of these Territories which is of that character.

Mr. President, I think that this description and the assumption by Senator Dick speaking about this combination, illustrates how wrong a person can be in making an evaluation. That is why time for consideration is so essential before evaluations are made.

Previous to the consideration of this issue on the Senate floor, as I stated earlier, the House of Representatives, without full discussion, had made its decision: namely, that the two States would be one.

Now to continue what Senator Dick said at that time:

#### THEY HAVE NOT KEPT PACE IN POPULATION

The Territories of New Mexico and Arizona have not kept pace in the matter of population, though their civilization is the oldest of any portion of the United States. In the year 1850, when New Mexico first appears in the census returns, that Territory, which then included the present Territory of Arizona, stood thirty-second in order of States and Territories according to population. The present States of Colorado, the two Dakotas, Idaho, Kansas, Montana, Nebraska, Nevada, Washington, Wyoming, and the Territory of Oklahoma did not then figure in the census returns. New Mexico then had more people than the District of Columbia, Minnesota, and Oregon. At the next Federal census in 1860, although New Mexico had increased her population over 50 per cent, she had dropped to the thirty-fourth position in relative rank. Kansas had come into being and beaten her in the race for population. Minnesota had exceeded her, jumping from 6,000 people to 172,000 people.

Mr. President, there were other happenings that were described in the Record of those days. I will continue reading what Senator Dick had to say about this subject:

#### LOSS OF RELATIVE RANK EVERY CENSUS

In the Federal census of 1870 Arizona first appears as a separate entry, with nearly 10,000 people. Taking the population of the two Territories together, they had dropped from the thirty-fourth to the thirty-sixth position in rank, Nebraska having passed them with its increase of from 28,000 people to 123,000 people. West Virginia had been created with a greater population, and even the District of Columbia had gone ahead. At the census of 1880 the joint population of Arizona and New Mexico was thirty-seventh in relative order of rank, Colorado having passed them, with its increase from 40,000 to 194,000 people. Oregon also had forged ahead and Delaware had only in that decade been left behind. In 1890 the joint population of these two Territories had dropped down to the thirty-ninth place in rank. Oklahoma and the Indian Territory had forged ahead, the State of Washington had jumped from 75,000 people to 350,000 people, and although Dakota has been divided into two States, South Dakota had leaped far ahead in the race. By the last Federal census North Dakota had taken the lead, and on joint population New Mexico and Arizona stood only in the forty-first place in order of rank. Oklahoma, though in the Territorial State, had increased from about 62,000 people to almost 400,000. These two Territories along the Mexican border have therefore in the last sixty years failed utterly in keeping pace with the other States and Territories. When it comes to a comparison of agricultural resources and manufactures the comparison is still more unfavorable.

Mr. President, these were the words of a Senator speaking on information furnished to him on which he was making a decision. It is because of this extended debate that occurred at that time that Arizona is now a separate State.

Mr. President, when we look at the character of the population at that time to determine whatever information could be brought back to Congress in a hurried manner, it shows that thorough investigation was necessary.

I will continue reading from Senator Dick's remarks in the CONGRESSIONAL RECORD:

#### CHARACTER OF THE POPULATION

At the last Federal census New Mexico had approximately the Congressional ratio, and Arizona had about half the number, excluding Indians not taxed. Arizona, however, had increased in the decade about twice as much, proportionately, as New Mexico, having a growth of 39.3 per cent to 21.9 per cent in New Mexico. In both Territories, however, the density of population was only little over one person to the square mile. New Mexico had 166,946 native white born inhabitants and 13,625 foreign born, to 70,508 native white born in Arizona and 24,233 foreign born. In other words, New Mexico had 93 per cent native born and 7 per cent foreign born to 80.3 per cent native born in Arizona and 19.7 per cent foreign born. The foreign born white population in New Mexico was 6.8 per cent, where the figure had stood for a decade, to 18.2 per cent foreign white population in Arizona. The native whites born and living in New Mexico constitute 78 per cent of the population while those in Arizona were only 38.1 per cent of that population. The foreign-born constitute 7 per cent of the population of New Mexico and 19.7 per cent of the population of Arizona. Those born of foreign parentage constitute 16.2 per cent of the population of New Mexico and 40.9 per cent of the population of Arizona. The foreign-born males over 21 who could not speak English were 2,833 in New Mexico to 4,911 in Arizona. The native whites born and living in the Territory constitute 78 per cent of the population of New Mexico and 38.1 per cent of the population of Arizona.

Mr. President, this illustrates the position of those two States. When the Senate had an open and thorough investigation of the advantages and disadvantages that would accrue, it was held after that thorough debate that it would be best for them to be separate States.

I continue to read:

If the Americans of Spanish descent in New Mexico have not been Americanized in language as rapidly as have other communities of foreign descent in the United States, it has been solely on account of the sparsity of population in New Mexico and the little incentive there has been to a large immigration of Americans from other States in the Union.

#### THE SMALL AGRICULTURAL DEVELOPMENT

The census plate showing the value of farm products per square mile shows only a small spot on Arizona, around Phoenix, indicating a production of \$100 per square mile. The showing in New Mexico is little better, except for a considerable section in the north-central part of the State, where the production is as much as \$500 to \$1,000 per square mile.

The plate showing the proportion of improved land to total area makes no equally meager showing. There is one small dot on the map of Arizona showing over 10 per cent. There are two such sections in New Mexico. In the rest of these two Territories less than 1 per cent of the land is improved.

The areas of cultivated land in Arizona are little more than specks on the plate. In New Mexico there are two thin streaks, which mark the valleys of the Rio Grande and the Rio Pecos rivers. They unite above Albuquerque, and from there north to Colorado the cultivated land represents the lower portion of a thin trunk, to which the river valleys mentioned belong as slender limbs.

#### FARM ACREAGE OF ARIZONA VERY SMALL

The entire total acreage in farms in Arizona was 1,135,327, of which only 254,521 acres are indicated as improved, and 185,000 acres were actually farmed. The land and

improvements except buildings, were valued at \$11,416,460, buildings at \$2,266,500, implements and machinery, \$765,200. There are numerous single counties in the State of Ohio which make a far better showing than is represented by these figures.

The total value of farm property, including land, with improvements, implements, machinery, and live stock, was, for Arizona, \$29,993,847; New Mexico, \$53,767,824; Oklahoma and Indian Territory, \$297,525,433; Delaware, \$40,697,654; Rhode Island, \$26,989,189.

#### HER LOW RANK IN AGRICULTURE

Agriculturally considered, therefore, Arizona ranks with Rhode Island, Delaware, and Nevada. There are hundreds of counties in the older States which outrank Arizona in the number of acres under cultivation and in the value of farms and improvements.

A plate in the volume of the last census devoted to agriculture shows the rank of the States in total number of improved and unimproved acres in farms. At the bottom of the list is Rhode Island, and above, in the order named, come Delaware, Arizona, Connecticut, and Nevada.

Mr. President, the debate on this issue was prolonged. It was necessary debate if a decision were going to be made that would be for the best interests of all States as well as of the two States concerned. Some Senators put forth a proposal that the people of each of the territories be allowed to vote on whether they favored joint statehood.

Senator Foraker of Ohio explained this proposal to the Senate:

I sincerely hope that ultimately those two Territories will be admitted into the Union as two States. I think they should be whenever they are admitted. In one of the former Congresses, three or four years ago, I supported a bill which provided for their admission into the Union as two separate States. That bill passed the other House a dozen or more times—thirty times, I think; at any rate, a great many times—and it passed the House at that time. I supported that bill here, and I undertook to show then that, according to precedents, those Territories, notwithstanding the disadvantages of populations, to which the Senator from Illinois has called attention, were entitled to such admission. But that has gone by. I am not considering that bill, and no one else is. A new bill has been presented, which has passed the other House and has come to us, and we are dealing with that. The question is whether we shall now take them into the Union. The Senator and all who support the bill have the opinion that we should, otherwise they would not support it—that they are well qualified, being joined together, for statehood—and I being of the opinion that unless they are willing to come in and make one State—to be joined together—they should be allowed to stay out and remain Territories.

In that debate Senator Hopkins had this to say:

State lines should not be so defined that a man in one section of our common country counts for so much more in the Senate of the United States than a man does in another section. I am well aware, Mr. President, that when these considerations are presented to Senators and to those outside of the Senate Chamber who favor the admission of Arizona and New Mexico as separate States, they point to New Hampshire and Vermont and Delaware as being smaller States in area and in population.

Two wrongs can never make a right. If it was an error to admit these States into

the Union and give them the same representation in the Senate of the United States that States like Virginia and New York had at the time of the formation of the Federal Government, as I am free to confess, Mr. President, in my mind it was an error, that error cannot be used as a precedent to still further add to the wrongs upon the great States in the Union by increasing the number of States that must necessarily have a sparse population as to its territory and a small population as to number. The reference to these New England and Eastern States, Mr. President, is neither just nor fair. Every student of American history knows that the preparation and adoption of our constitutional form of government depended upon giving the then separate existing States equal representation in the Senate of the United States. The framers of the wonderful instrument, which has now stood the test of one hundred and twenty years, debated this question long and well and finally came to the conclusion that it would be better to give Delaware and New Hampshire and Rhode Island an equal representation in the Senate of the United States with the other States that were to be formed into the Federal Union than to have the then existing conditions continue.

Mr. President, it took several months for the Senate to come around to the only fair procedure for determining whether Arizona and New Mexico should be a single State.

Eventually, the Senate adopted the amendment providing that there should be an election in each of the issue of joint statehood.

In New Mexico, the vote was 26,105 for joint statehood and 14,735 opposed.

In Arizona, only 3,141 voters favored joint statehood, while 16,265 voted against it.

The right to unlimited debate made it possible for a few Senators to arrange that Arizona did not become a minor part of a State, second in size to Texas, under the domination of New Mexico politicians who did not hesitate at that time to use questionable methods to control elections.

By rejecting joint statehood with New Mexico, of course, Arizona lost its chance for statehood in 1906. Arizonans knew that their time would come.

The time came in 1911, and again, it was the unlimited debate in the Senate that won justice for Arizona.

A bill had been proposed admitting New Mexico and Arizona into the Union as separate States. The House accepted New Mexico, but cut Arizona out of the measure.

The Senate might have been very willing to go along with this.

But Senator Owen filibustered for 2 days on the matter. The Senate put Arizona back in the bill.

This is especially pertinent for discussion at this time of year.

Next Sunday, Mr. President, marks the 59th anniversary of statehood for Arizona. Admission day was February 14, 1912—thanks to some very well justified filibustering.

Mr. President, one of the outstanding speeches on cloture was made by Senator James A. Reed of Missouri. He served in this Chamber from 1911 to 1929. Senator Reed viewed the Arizona-New Mexico statehood bill as one of the prime examples of how the right of extended debate

protects the people of our Nation from unwise and hasty actions.

I would like to discuss this speech today.

Senator Reed said:

Cloture means the granting of a power. Whenever you grant a power you must assume that the power will be exercised. So, when we discuss this proposed rule, we must do so in the light, not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm.

I need not pause to add to the argument already made, that when it is proposed to bring in a great measure involving the expenditure of vast sums of money, if it be a bill for the appropriation of money, or a bill for the collection of taxes from the entire country, affecting intimately the industries of the country, an hour's debate upon such a bill is utterly insufficient, utterly inadequate, and that a rule limiting debate to one hour would mean the end of debate. The truth is that this measure, if adopted, will empower a majority to throttle freedom of speech upon this floor and enable sinister and wicked measures to be carried to consummation without the country being advised of the iniquities they bear.

Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexperienced in legislative proceedings always advocate at first, and if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.

There is justification for unlimited debate in this body. I am getting a little tired of hearing about the sacred rights of the majority; that this is a country ruled by the majority; and that the majority has the right to have its way. This is not a country ruled by the majority. This is not a country of majority rule. The Constitution of the United States was written, in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule.

#### MAJORITY RULE

Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon's line established the horrible thing called slavery, and the majority north of it did likewise and only turned reformer when slavery ceased to be profitable to them.

#### FREEDOM

What is it has made this race great? It has not been the proud blood of an illustrious ancestry; it has not been because we

could trace our lineage back to kings and a royal household; it has not been because of the peculiar graces or abilities of those immigrants who came to our shores and from whose loins we are sprung. It is simply because for once in the history of the world the chains were taken from the arms, the shackles from the brain, the shadows of fear were dissipated by the sunlight of liberty and freedom, and every brain of every human being, great or small, was at liberty to function, every arm and every limb was at liberty to move. So we unleashed the latent powers of a race of people; and from the cottage of poverty there came forth the genius, and from the house of the man of humble estate there emerged the child who could turn the dull and inexpressive canvas into pictured harmony of color, light, and shade, and paint the rainbow's mingling hues and marvelous tints.

From the cottages of the impoverished, from the homes of ancestors who had been enslaved and enthralled, there came forth children who in the full liberty of our civilization were able to attack every problem and to undertake every great vocation of life; so that within one generation of time we produced here orators whose words of flame could fire the hearts of all the people of this land; poets whose words will be read so long as men shall love the music of our tongue, and a citizenry who have defended our soil and our flag with unexampled valor in every contest of this Republic. All these triumphs of intellect, all these great advances in the arts and in the sciences, all our wondrous advance in wealth are due to one great fact: that we have allowed the individual in this land the opportunity to develop, the opportunity to express himself.

#### FREE DEBATE

Mr. President, what has this to do with the question I am discussing? Everything, sir. Before any law to bind 110,000,000 people could be passed it should somewhere be subjected to free debate; somewhere it should encounter opposition; somewhere the fires of keen intellects should burn their heat about it and test it for its metal; somewhere and somehow it should be determined by all that the intellect can do and all that the tongue can express whether the particular law which is proposed is fit to be insisted be fastened upon 110,000,000 people who think they are free and who once were free. That one forum reserved of all the places in the world is the Senate of the United States. Here a man can stand and express his views until exhaustion comes. And what of it? Some rules of common sense and decency and gentlemanly conduct have their effect. Not in all the nearly 16 years I have sat in this body have I ever seen but two or three instances of what might be really called a filibuster.

Time and time again I have seen the opportunity under the rules for the minority to have stood and obstructed legislation, but as soon as debate was fairly over they have invariably given way and the vote has come. In the two or three instances which I remember a very simple expedient was adopted. Freedom of speech was not denied, but continuance of speech was demanded. It was insisted that the bill was before the Senate and that the opponents or advocates of the bill should speak for or against it and that no other business should intervene.

We have been told here of two or three bills—one of them the force bill. The force bill, if it had been enacted, would have kept alive the fires of hatred between the North and the South almost as bright and as keen and as hot as they were at the close of the great civil strife.

#### NEW MEXICO AND ARIZONA

Another example: It was sought here to admit New Mexico to statehood as a partisan

measure and under a constitution that had been written by the corporations of New Mexico. It was insisted upon the other hand that New Mexico should not come into the Union except under a fairly adopted constitution, and that at the same time Arizona should be received. What happened? One or two men stood here and held their ground; and a short space of time, a few months, rolling by, both States were received into the Union with proper constitutions.

Sir, I know it is popular to attack the Senate. So many an ass has stood and brayed at the lions. He who would claim for this body perfection would prove himself a fool. But the more imperfect we are, the more we need to counsel and to take advice. The less we know, the more we ought to strive to know. There may be some men of such supernatural power of intellect that they can gain nothing by the discussions their fellows may produce; but I have never seen an important bill upon the floor of the Senate, unless there was some political organization in control determined to pass it without the dotting of an "i" or the crossing of a "t," that has not been amended and amended to its benefit.

#### A FREE FORUM

As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.

But strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that, if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself, who thinks that any power will always be used wisely and justly. Power is almost invariably abused.

Mr. President, even if we do not agree with every word that Senator Reed said, we must admit that he gives us a lot to think about—and much to worry about if we move toward an easy cutoff of debate in the Senate.

Our Government is not a pure democracy. If it were, we could simply set up a super nationwide polling service with voting buttons in every home and possibly vote on each and every issue. Depending on the way that commentators were influencing the people, we might vote to fight in Vietnam one day, vote to pull out the next day, reenter the third day, and so on.

If pollsters are right, some of the so-called social action programs close to the hearts of some Members of Congress would be wiped out mighty fast.

But this is not a pure democracy. Framers of our Constitution realized that great dangers might exist if our Nation were always subject to the rule of 51 percent, or even three-fifths. As I noted earlier, to ratify a treaty, two-thirds of the Senate must vote for it.

It takes two-thirds of both Houses of Congress to override a veto. It takes two-thirds of both Houses to pass a constitutional amendment. Two-thirds votes also are necessary to convict on impeachment or to expel a Member.

Framers of our Constitution did not settle for a bare majority in these cases; neither did they make it a three-fifths vote.

The Senate is the one forum in our Government where a minority may prevent hasty and ill-advised legislation. It acts as an important backstop that prevents a bare majority from being stampeded, coerced, or otherwise misled into a rash action which will have dire consequences.

We all know that there are times when the Senate rules have been used to unwise ends. This will happen with a two-thirds rule or a three-fifths rule or a majority rule.

But when the issues are big enough, filibusters can be broken. This has happened four times between 1962 and 1969.

Mr. President, a very important point to my State is the fact that a change in the two-thirds rule will in effect diminish the power of Arizona in the U.S. Senate. All of the States with small populations would be deprived of a portion of their influence on legislation.

#### QUALITY RATHER THAN SPEED

Mr. President, there is a great impatience in our land today. Many of our troubles on university campuses, and in other civil disturbances, have been blamed on the impatience of youth.

People want instant solutions to problems.

No one knows that better than the Members of this Congress, Mr. President. How many hundreds of pieces of mail do we get each and every day asking us why we cannot solve problems instantly.

We are asked to come up with instant peace. Somehow, if we just withdraw immediately from Southeast Asia, some people say, everything will suddenly be rosy again. Our enemies around the world will suddenly become cooperative and friendly and will not take the least advantage of us.

We are urged to end the arms race. The instant problem solvers contend that if we just stop building weapons, our enemies will do likewise and all will be well with the world. Marx and Lenin were just kidding when they preached that communism will conquer the world.

If we do not build an SST, the instant problem solvers say, we will have the noise and air pollution problems all solved. Britain, France, and the Soviet Union will see the error of their ways, and junk their multibillion-dollar development. Likewise, we are supposed to use some of the money thus saved to, in one fell swoop, wipe out poverty and hunger and conquer disease forever. Were it all that simple, Mr. President, then Congress could wind up the Nation's work in a month or two and take the next 5 years off.

But in order to really solve problems, solutions must come slowly. We should know that by now. Our recent history is studded with so-called massive efforts to right wrongs overnight with miracle legislation. All these efforts have failed, and have left our Nation in worse condition than ever before.

Civil rights legislation passed in the mid-1960's was a cruel hoax on the Nation. Rather than bringing us together as a nation, it polarized the country. When we look at the stories in the press over the years, we can readily recognize the problems that have evolved. It gave

rise to hopes that could not possibly be fulfilled in such short order. These hopes turned to frustration, and finally, for many members of minority groups, to hostility.

Let us consider some of the programs that have been passed in recent years.

Medicare, which was promised as a cure-all to the health care of the elderly, was another disaster not only for older Americans but for the entire country. We recognize now that we should have had a pilot program, that this program was not thoroughly studied. Medicare has not taken and does not adequately take care of the medical needs of the elderly. And it has had the side effect of escalating medical costs for all Americans, including those who can least afford it. Medicare should have been approached with caution, and there should have been more testing of the concept before it was launched full scale.

I mention these, Mr. President, only to illustrate some of the dire consequences of impatience in dealing with our national and international problems. By rushing off blindly, although with the best of intentions, we most often fail to come up with the solution. Not only do we often fail to solve the problem, but we aggravate it or create new and more complex problems.

Most legislation is not so terribly urgent that it must be passed in a day, or a month, or a year. If the problem before Congress is of great importance, it may be that several years of consideration are well in order. If we consider the beneficial legislation that has been enacted in the past, we realize that it was not hurriedly placed together. By having the opportunity of extended debate, much of that legislation was perfected and when placed into operation was effective.

What I am saying, Mr. President, is that it is much more important that we pass quality legislation rather than speedy legislation. In most instances, the more important the legislation is, the slower we should go in enacting it.

The speediest type of government, of course, is a dictatorship. There would appear to be a certain element in our Nation today working toward this end. But I think that the vast majority—say, a better than two-thirds majority—of our Nation would like to stick with a system that offers some checks against rash actions.

This impatience that I have talked about is being manifest at the present time by persons and interests and publications that are advocating rapid change in our society. These are the ones who seldom see anything good in what has been America. They advocate change for the sake of change.

These people are advocating a sweeping change in Congress. They want to change the committee chairmen, they want to change procedures, they want to change all the rules by which we operate.

Now, Mr. President, I want to say quickly that I support some of the ideas that have been put forward. We do need reforms. Some that have been put forward would be very beneficial. We have

made some adjustments in the Senate and, apparently, in the House of Representatives, at the outset of this Congress in our committee work. We have given greater consideration to how the minority Members should be handled and consideration to the number of committees to which a Senator is assigned. More changes might be in order in the future—after we see how things are working out under the reforms of 1971.

Yes, we do need reforms. When we talk about what reforms should be brought about, we must realize that many are needed which cannot be brought about because of the difference of opinion that exists among the Members.

Reform, yes. Radical change, no.

Mr. President, any erosion of the two-thirds rule for cloture would be a radical change in the nature of the Senate and of Congress. In essence, we would end up with two Houses of Representatives.

With that, Mr. President, I would like to take note of an interesting phenomenon.

Many of those who now are so vigorously calling for revamping of rule XXII are those who have taken such great advantage of the filibuster in recent times.

Just last year there was a month-long filibuster against President Nixon's nomination of Judge Carswell to the Supreme Court of the United States. If it had not been for the lengthy debate, Judge Carswell would most likely have been confirmed. The opponents of the nomination used the time to manipulate public opinion and to bring about the defeat.

We cannot quarrel with the bringing of information to the public that is connected with any appointment. We cannot quarrel with the revealing of information. In fact, we support that but we do realize that, in many instances, the information released and picked up or how it is handled by the press does violence to the real intent involved.

Mr. President, it was my great privilege to serve in this body with the distinguished former senior Senator from Arizona, Mr. Hayden, who served in Congress longer than any other person.

Senator Hayden in 1967 said:

The Congressional Record of March 8, 1917, shows that a resolution—Senate Resolution 5—containing rule 22 was presented by Senator Martin of Virginia, the majority leader, who obtained unanimous consent for its immediate consideration. The primary reason for proposing a limitation of debate was a filibuster which resulted in the failure to pass the armed merchant ship bill before the adjournment of the 64th Congress on March 4, 1917. As a warning to the German Kaiser, that legislation was promptly enacted at a special session of the Senate called by President Wilson on March 5, 1917.

As then adopted by the Senate, rule 22 provided that debate could be brought to a close by a two-thirds majority vote of all Senators. Thirty years later, in 1947, the rule was amended to provide that a two-thirds majority of those present and voting could close debate. That was a reasonable amendment because modern transportation makes it possible for almost all Senators to be present. That provision is now in effect, and I am opposed to any change in that ratio.

Senator Hayden had had an opportunity to observe the operations of the

U.S. Senate and of Congress over a greater number of years than any other Member of Congress. He is still active in his work of assisting in governmental affairs.

I bring this to the attention of the Senate because I think it is important to realize that this man went through a period of time of stress and wars and other great problems.

He said further:

I cannot forget that on January 25, 1906, the House of Representatives, under a rule providing for only a few hours of debate, by a vote of 195 to 150, passed a bill to admit into the Union Arizona and New Mexico as one State and Oklahoma and Indian Territory as another State. But in the Senate, debate could not be cut off, and a few determined Senators would not let the House bill pass until it was amended to provide that the people of each of the proposed States had an opportunity to vote on whether they wanted joint statehood.

The vote in New Mexico was 26,105 for and 14,735 against. Only 3,141 voted for joint statehood in Arizona, and 16,265 voted against it.

The right to talk as long as necessary made it possible for a few Senators to arrange that Arizona did not become a minor part of a State second in size to Texas and under the domination of New Mexico politicians who did not hesitate at that time to use corrupt methods to control elections.

It was freedom of debate in the Senate that made it possible for me to begin my 54 years of service as a Member of Congress on February 19, 1912.

Mr. President, there has been a great deal of talk about how much time has been taken by Senate debate and what could be done if the Senate debate had been curtailed.

Mr. President, I ask unanimous consent that I may yield to the distinguished majority leader without losing my right to the floor and with the understanding that upon my resumption it will not be considered a second speech by me upon this subject on this legislative day.

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

The Senator from Montana is recognized.

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a treaty with Mexico, Executive K, 91st Congress, second session, which was reported earlier today.

The PRESIDING OFFICER (Mr. Brock). Is there objection?

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

#### RECOVERY AND RETURN OF STOLEN ARCHAEOLOGICAL, HISTORICAL, AND CULTURAL PROPERTIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive K, 91st Congress, second session.

There being no objection, the Senate, as in committee of the whole, proceeded to consider Executive K, 91st Congress,

second session, the treaty of cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archeological, historical, and cultural properties, as follows:

#### TREATY OF COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES PROVIDING FOR THE RECOVERY AND RETURN OF STOLEN ARCHAEOLOGICAL, HISTORICAL AND CULTURAL PROPERTIES

The United States of America and the United Mexican States, in a spirit of close cooperation and with the mutual desire to encourage the protection, study and appreciation of properties of archeological, historical or cultural importance, and to provide for the recovery and return of such properties when stolen, have agreed as follows:

##### ARTICLE I

1. For the purposes of this Treaty, "archaeological, historical and cultural properties" are defined as—

(a) art objects and artifacts of the pre-Columbian cultures of the United States of America and the United Mexican States of outstanding importance to the national patrimony, including stelae and architectural features such as relief and wall art;

(b) art objects and religious artifacts of the colonial periods of the United States of America and the United Mexican States of outstanding importance to the national patrimony;

(c) documents from official archives for the period up to 1920 that are of outstanding historical importance;

that are the property of federal, state, or municipal governments or their instrumentalities, including portions or fragments of such objects, artifacts, and archives.

2. The application of the foregoing definitions to a particular item shall be determined by agreement of the two governments, or failing agreement, by a panel of qualified experts whose appointment and procedures shall be prescribed by the two governments. The determinations of the two governments, or of the panel, shall be final.

##### ARTICLE II

1. The Parties undertake individually and, as appropriate, jointly—

(a) to encourage the discovery, excavation, preservation, and study of archaeological sites and materials by qualified scientists and scholars of both countries;

(b) to deter illicit excavations of archaeological sites and the theft of archaeological, historical or cultural properties;

(c) to facilitate the circulation and exhibit in both countries of archaeological, historical and cultural properties in order to enhance the mutual understanding and appreciation of the artistic and cultural heritage of the two countries; and

(d) consistent with the laws and regulations assuring the conservation of national archaeological, historical and cultural properties, to permit legitimate international commerce in art objects.

2. Representatives of the two countries, including qualified scientists and scholars, shall meet from time to time to consider matters relating to the implementation of these undertakings.

##### ARTICLE III

1. Each Party agrees, at the request of the other Party, to employ the legal means at its disposal to recover and return from its territory stolen archaeological, historical and cultural properties that are removed after the date of entry into force of this Treaty from the territory of the requesting Party.

2. Requests for the recovery and return of designated archaeological, historical and

cultural properties shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, documentation and other evidence necessary to establish its claim to the archaeological, historical or cultural property.

3. If the requested Party cannot otherwise effect the recovery and return of a stolen archaeological, historical or cultural property located in its territory, the appropriate authority of the requested Party shall institute judicial proceedings to this end. For this purpose the Attorney General of the United States of America is authorized to institute a civil action in the appropriate district court of the United States of America, and the Attorney General of the United Mexican States is authorized to institute proceedings in the appropriate district court of the United Mexican States. Nothing in this Treaty shall be deemed to alter the domestic law of the Parties otherwise applicable to such proceedings.

#### ARTICLE IV

As soon as the requested Party obtains the necessary legal authorization to do so, it shall return the requested archaeological, historical or cultural property to the persons designated by the requesting Party. All expenses incident to the return and delivery of an archaeological, historical or cultural property shall be borne by the requesting Party. No person or Party shall have any right to claim compensation from the returning Party for damage or loss to the archaeological, historical or cultural property in connection with the performance by the returning Party of its obligations under this Treaty.

#### ARTICLE V

Notwithstanding any statutory requirements inconsistent with this Treaty for the disposition of merchandise seized for violation of laws of the requested Party relating to the importation of merchandise, stolen archaeological, historical or cultural property which is the subject matter of this Treaty and has been seized, or seized and forfeited to the requested Party, shall be returned to the requesting Party in accordance with the provisions of this Treaty. The Parties shall not impose upon archaeological, historical or cultural property returned pursuant to this Treaty any charges or penalties arising from the application of their laws relating to the importation of merchandise.

#### ARTICLE VI

1. The Parties shall ratify this Treaty in accordance with the provisions of their respective constitutions, and instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Treaty shall enter into force on the day of exchange of the instruments of ratification, and shall remain in force for two years from the date and thereafter until thirty days after either Party gives written notice to the other Party of its intention to terminate it.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, Ambassador Robert Henry McBride for the United States of America and Antonio Carrillo Flores, Secretary of Foreign Relations, for the United Mexican States, duly authorized, have signed this Treaty.

DONE in duplicate in English and Spanish, in the City of Mexico this seventeenth day of the month of July, nineteen hundred seventy.

For the Government of the United States of America:

ROBERT HENRY MCBRIDE,  
Ambassador Extraordinary and  
Plenipotentiary.

For the Government of the United Mexican States:

ANTONIO CARRILLO FLORES,  
Secretary of Foreign Relations.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to and including presentation of the resolution of ratification, which will be read for the information of the Senate.

The assistant legislative clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the treaty of cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archaeological, historical and cultural properties, signed at Mexico City on July 17, 1970. (Executive K, 91st Congress, 2d session.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending treaty occur not later than 1 o'clock tomorrow afternoon; and it will be a yea and nay vote.

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

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished Senator from Arizona has yielded to me and I do not want to take up too much of his time, I ask unanimous consent that prior to the vote on the treaty I have a period of time not to exceed 10 minutes to explain the treaty.

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

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

*Ordered,* That the Senate proceed to vote on the resolution of ratification of Treaty with Mexico providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties (Ex. K, 91st Cong., 2d sess.) not later than 1 p.m. on Wednesday, February 10, 1971, provided that the Senator from Montana (Mr. Mansfield) be recognized for 10 minutes prior to the vote.

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

#### AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. FANNIN. Mr. President, at this time I return to my earlier remarks regarding what would have happened if unlimited debate had not been the policy in the Senate when my State of Arizona was being considered for statehood.

It was said then:

It may be that we have the constitutional right to admit a Territory to statehood in the Union, or to join two Territories to-

gether and admit them as one State, as is here proposed, without regard to whether the Territory or the Territories in question desire to be admitted. But the language of the Constitution clearly contemplates that no such action shall be taken by the Congress until the Territory makes application therefor. And that idea of the Constitution is in harmony with the history of the admission of States into the Union. No State has been admitted into the Union since the beginning of the Government, except only upon its own application.

This proceeding is unusual therefore, in this, that instead of waiting for these two Territories to make application to be admitted into the Union, Congress is going out and, in a sense, taking them by the scruff of the neck and undertaking to compel them to come into the Union. Neither New Mexico nor Arizona is applying at this time for admission into the Union. Both are praying Congress simply to leave them alone as Territories until such time as the Congress may see fit to admit them as separate and independent States.

Assuming, however, that the Senator is right in his contention that the Congress has power to do as it may see fit with respect to the admission of a Territory to statehood into the Union, and that, therefore, it is a question upon which Congress may act without an application made—that it has the power to do that—the question remains whether or not it is a good policy to do it. Is it good policy in this instance to do it? If so, it is unusual. It is unusual, Mr. President, because always heretofore, when we have undertaken to admit a Territory to statehood, we have not sought to join it with some other Territory, but we have created it, if it was not already a Territory in existence, separate and by itself as a Territory, by taking territory from some other Territory. That is the way Oklahoma was created a Territory. It was carved out of the Indian Territory. That is the way Vermont was made a State of the Union, by taking territory that was claimed by the State of New York and creating of it a separate State. Maine was carved out of Massachusetts. Ohio and Indiana and the others of the five States that originally constituted the territory lying northwest of the river Ohio, were made not by joining them together with other Territories, but by carving them out of existing territory.

This is the first time, therefore, since the beginning of the Government that we have undertaken to make a State by joining two Territories together; and what makes this case more unusual still is the fact, as the Senator from Indiana himself stated in his remarks yesterday afternoon, that this is the only instance where a Territory has been created and Congress, in the act creating the Territory, has written down a pledge that it is to remain a Territory until it shall be taken into the Union as a State. I believe in every other instance, without a single exception—certainly with very few exceptions, if any at all—Congress has, when creating a Territory, expressly provided in the organic act creating the Territory that it reserved the power to join the Territory so created for purposes of statehood with another Territory or a part of another Territory. But in this instance, for the first time, Congress did exactly the opposite. Instead of reserving the right to join Arizona for purposes of statehood with New Mexico, as is now proposed, or with any other Territory, Congress gave the solemn pledge that Arizona should continue a Territory until when, Mr. President? The language of the pledge is as follows:

"That said government shall be maintained and continued until such time as the people residing in said Territory shall apply for and obtain admission as a State."

The Senator says that is not legally binding, and that is conceded, but this is the

first time in the history of legislation in the American Congress of which I have any knowledge where a solemnly given pledge of the Government has been sought to be evaded on the ground that technically it is not legally binding. Everybody concedes it to be a pledge that is morally binding. It is not a pledge made simply to the five or six thousand people living in Arizona at that time, but it is a continuing pledge to every man who has become a citizen of Arizona from that day until this, given perhaps, as an inducement to people to go into that Territory, become citizens, help to reclaim its lands, subject them to civilization, to cultivation, and build up what would in time become a State of this Union.

This was to continue, Mr. President, until the people of Arizona should apply for admission to statehood in the Union. Arizona is not here applying. This whole argument has proceeded on the part of those advocating this bill upon the theory that the question to be determined here is whether there shall be one State or two separate and independent States. That at one time was the proposition before the Senate. It came to us from the House. That was four years ago. The proposition now is, as it was in the last Congress, whether there shall be one State out of two Territories or whether there shall be a continuance of two Territories as Territories until such time as Congress may see fit to act with respect to them, either to give them separate statehood or to deal with them otherwise, as it may see fit.

Mr. President, I can not now make an argument. I can only call attention to the points that the Senator made, and to only very few of them. He contends, in opposition to this amendment, that certain interests are fighting in favor of it on account of advantages with respect to the matter of taxation; and he instances railroads and mines. I do not know anything about the laws of the Territory with respect to taxation of property there, except only as the Senator has stated what those laws are. But I do know that the complete answer is that which was anticipated by him, namely, that so long as they are Territories they not only must be governed by the laws created by the Territories, but also by the laws of the Congress of the United States with respect to the matter of taxation.

If in the Territories of Arizona and New Mexico the laws are unjust as to property interests and the citizens generally in the matter of taxation, the chairman of the Committee on Territories should have called attention to it, in order that we might legislate on the subject and correct any iniquity or injustice that may exist. It is true, as the Senator suggested, that now the tax laws of the Territory are made by the Territorial legislature. If the Territories be admitted to statehood, the laws will be made by the State legislature. If these interests are so powerful that they can control the legislature in one instance, they will be equally powerful, for aught that I can see, to control the legislature in the other, and more powerful to control it if they are given statehood than if they continue as Territories, because if they continue as Territories these interests must control not only the legislature of the Territories, but they must control also the Congress of the United States. It seems to me, therefore, that there is no justification for the contention the Senator makes with respect to the matter of taxation.

Now, another matter that the Senator has spoken about is the impossibility, as he terms it, of Arizona ever having a population large enough to qualify her for statehood in the Union. He tells us of the arid lands; how impossible it is to subject them to irrigation or to bring them under cultivation in any respect. And he has exhibited plats and diagrams to show us that Arizona can never in any contingency have a population to

exceed about one million. Mr. President, this is not the first time in the history of this country that we have heard reports and speeches in Congress of the same general character with respect to Territories that were little known at the time when such remarks and such speeches were made.

Mr. Webster, as somebody said here the other day, had a profound knowledge of the Constitution, but seemed to be a very poor judge of real estate. He did not think there was anything in California, where to-day everything blooms and blossoms as the rose, which justified an expectation that it would ever be of any value.

Mr. President, I am quoting these statements because they illustrate just how necessary it was that Congress consider the problems with respect to the future States of Arizona and New Mexico.

Mr. President, the proposal to make it easier to cutoff debate here in this Chamber go much deeper than the right of an individual Senator or a group of Senators to engage in prolonged discussion that might be called a filibuster. What we are being asked to do, Mr. President, is to alter the role and the very position of this body in the scheme of the American Government.

It has been said here that the Senate is the only parliamentary body in the United States where a Member cannot rise to his feet and make a motion that could be carried by a majority of one, to gag the other Members of that body. Gag rule also is possible in all other parliamentary bodies on earth, including the House of Commons of the British Parliament. A one-vote majority is sufficient to cutoff debate, to prevent Members from speaking out, to silence sound argument in other parliamentary bodies.

But not, I repeat—and I think this is most important—in the U.S. Senate. That is what makes this body unique. That is what gives the Senate its individuality. It is one of the reasons that the Senate has served the Nation so well for so long during such trying times. This Senate is different from any other parliamentary body ever created by the mind and ingenuity of man.

We recognize that. We do have protection for minorities—the very basis of what we are talking about in the proposed change of our rules. Certainly that is covered in the very structure of our Government, because by each State having two Senators, the minority is given protection that is not accorded in many bodies of government.

Mr. President, we keep coming back to the problems that confronted our Founding Fathers two centuries ago. The greatest difficulty facing the Constitutional Convention was on the question of the composition of the Congress of the United States. The small States would not go along with the proposition that the Congress should be based purely on population. It took a long time to work out a compromise.

Eventually they did compromise. And that compromise placed an indelible stamp on the Senate, differentiating it from any other parliamentary body devised by man. That compromise gave the smallest State the same representation

in the Senate as the largest and most populous, as I have just illustrated.

Now, Mr. President, I realize that many people would like to break down this system, but I also realize that there are many supporters of the system; and I should like to read one quotation concerning rule XXII of the U.S. Senate. Walter Lippmann said:

The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Minnesota, without losing my right to the floor, and that upon my resumption it will not be considered a second speech by me upon this subject on this legislative day.

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

#### SENATE RESOLUTION 49—SUBMISSION OF A RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, I have a resolution which I must submit today. In a moment I shall ask unanimous consent that the resolution I now send to the desk be referred to the Committee on Rules and Administration.

Before I make that request, for the record permit me to say I have cleared this with both the chairman of the Committee on Rules and Administration. WILLIAMS) and its ranking member (Mr. JAVITS).

There is a technical problem involved, and by making this unanimous-consent request that the resolution be sent directly to the Committee on Rules and Administration rather than to the Committee on Labor and Public Welfare, it can be met. Both have agreed to it; and I therefore, ask unanimous consent that the resolution go directly to the Committee on Rules and Administration.

The PRESIDING OFFICER. The resolution will be received, and, without objection, will be referred as requested.

The resolution (S. Res. 49), which reads as follows, was referred to the Committee on Rules and Administration:

#### S. RES. 49

Resolved, That (a) in studying the effectiveness of existing laws and policies in assuring equality of educational opportunity in accordance with Senate Resolution 359, 91st Congress, agreed to February 19, 1970, as amended and supplemented, the Select Committee on Equal Educational Opportunity is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpoena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the

same conditions as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State and local governments and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

Sec. 2. The expenses of the Committee under this resolution shall not exceed \$494,000, of which amount not to exceed \$20,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

Sec. 3. The Committee shall make the final report required by such Senate Resolution 359, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than February 29, 1972.

Sec. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

#### AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. FANNIN. Mr. President, Prof. Raymond Wolfinger, in his "Readings on Congress," stated:

Unlimited debate is a rarity among national legislatures, and the glory of the United States Senate.

Prof. Lindsay Rodgers stated in his book "The American Senate":

As the much vaunted separation of powers now exists, unrestricted debate in the Senate is the only check upon presidential and party autocracy. The devices that the framers of the Constitution so meticulously set up would be ineffective without the safeguard of senatorial minority action. . . . Abolish cloture and the Senate will gradually sink to the level of the House of Representatives where there is less deliberation and debate than in any other legislative assembly.

Prof. Alfred deGrazia, in "Republic in Crisis," stated:

Obviously, the Senators, who are 100 well-educated, well-informed, and rather "liberal" men. . . see something exceedingly valuable to their corporate and individual status in the privilege of unrestrained debate. That value is the right to resist in a most public manner policies that a President desires. . . (In the Senate) the notorious filibuster stands as an insufferable bar to presidential ambitions.

Former President Woodrow Wilson, in his doctoral thesis "Congressional Government," written impartially before he was stricken by "presidential ambitions," said:

The Senate's opportunity for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision.

William S. White stated, in his book "Citadel":

And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

Some people believe that our Government is archaic, that it was designed by and for the 18th century rather than the 20th century. They want drastic changes in the composition and the character of our country.

But I believe our Founding Fathers put together a blueprint for government that is timeless. It has had some adjustments over the years. There will be more. Nevertheless, the blueprint has remained essentially as it was laid out.

Mr. President, the framers of our Constitution made the guarantee of equality of States the one provision not subject to amendment without the consent of the States.

Let us look at article V:

And that no State, without its consent, shall be deprived of the equal suffrage in the Senate.

I quote the late Senator Richard Russell of Georgia:

So when Senators speak lightly of invoking a gag rule in the form of the States of this Union, on the ground that it is different from other parliamentary bodies, I say, Mr. President, that that is the strongest reason for not tampering with these rules, and for not shutting off or stifling the voice of any representative of any State, be it great or be it small, until he has had an opportunity to discharge his responsibilities here.

Why do men wish to be U.S. Senators? Why, Mr. President, do Members of the other body, which is a coordinate branch of this Congress with the Senate, so often desire to offer for the Senate of the United States? Why do men desire to come from Governors' chairs to the Senate of the United States? I submit that it is because of the very differences that distinguish this body from every other legislative body on earth.

Yet we are told that because the Senate is different, we have got to change it and make it like all the others, even though to do so would be a serious invasion of the whole theory of our republican form of government, as contemplated by the Founding Fathers. Now we are being asked to whittle away and destroy the powers and the rights of those who serve here. In the old days, they were referred to as ambassadors of their respective States. Now we are told we should make the Senate just another parliamentary body, exactly like any other. Now we are told that because in the senate of the State of Georgia a member can rise, move the previous question, and shut off debate when Senators have not had an opportunity to express themselves, the same rule should apply in the Senate of the United States.

Mr. President, I have never heard a more fallacious argument. Yet Senators absorb it. You see them drink it in.

Here we are, Members of the greatest deliberative body on earth, bearing an honor in the parliamentary field that is greater than any that has ever existed except in the earlier days of the Roman Senate; yet some Senators are pressing us into destroying this body, into eroding their own powers, into disfranchising their own States, and preventing their States from being represented properly here.

It was done first, Mr. President, in the

name of civil rights. They came forward and said, "We have got to make these changes because we can't pass any civil rights bills." Well, a number of sweeping civil rights bills have been passed in the last few years.

Mr. President, I have waited a long time for a Senator to come forward with a list of bills vital to the security and progress of the United States that have been killed because of the right of free speech in the Senate of the United States. I have never seen one example brought out here. But I have set in the Senate for the past 34 years and have seen the exercise of that right prevent the passage of many bad bills, bills that would have been injurious to the people of the United States.

Make no mistake about it. If we go ahead and pass this majority gag cloture, we will soon be met with a change in the rules that will deny or limit or restrict the right of amendment in this body. Mark that prediction. We will have a situation in the Senate in which a mere majority, a bare majority, a temporary majority of one will get some kind of rule, such as they have in the other body, that will keep a Senator from offering an amendment to a bill. It will make a U.S. Senator run around and beg to get the chance to speak for 3 minutes on a bill.

That is where the proponents are trying to take us with this type of change in the rules. It will destroy the prestige of the Senate. The Senate has had prestige in this country despite the efforts of many Senators to shatter or destroy that prestige.

This would destroy or impair the greatest element of checks and balances among the three divisions in our Government, the judicial, the legislative, and the executive.

The Senate is the foundation of that division of powers. It is the balance wheel on which the division of powers in the system of checks and balances revolves.

It is because of the fact that it is different from all other parliamentary bodies that it has been able to make its contribution in war and in peace under rules permitting more freedom of debate than the present rules would permit, without impairing the welfare of the Nation, but contributing mightily to the building of the greatest society that has ever existed under the canopy of Heaven.

It has contributed to the making of the American way of life that is the envy of mankind everywhere. It has been done under these rules, and yet they say, "we come in here now with a form of gag to deny the right of meaningful debate in the Senate. And do it in the name of democracy."

I continue to quote from the remarks of the late Senator Richard Russell:

Where are we going to have our debate? How are we going to take the question to the people of this country? Make no mistake about it, we are not living in the simple days of the early life of this Republic, and I admit that, but I say that that is all the more reason to have the right of free speech in the Senate.

It is hard to get through to the people of this country what is involved in the very complex and complicated issues that pass through here in the way of legislation. However, if the proponents can just get a gag rule through, they can then go forward and destroy or limit the right of amendment in the Senate of the United States. They can then pass the economic and social legislation they want, legislation that will revolutionize this country and will destroy this system that has afforded men the opportunity to make progress and to go forward and to succeed in accordance with their abilities, in accordance with their talent and their energies, the opportunity that has made this great country of ours.

Mr. President, Senators talk about a majority of the Senate having the right to vote

at any time. There are a number of things that have been put beyond the limit of the majority. The right of private property in this country was supposed to be protected in the Constitution of the United States. Founding Fathers did not leave it to the mercy of a simple majority in the House of Representatives or in the Senate of the United States. They put it in the Constitution, where it would require not only a vote of two-thirds of all the Senators, but also the approval of three-fourths of all the States.

They did the same thing with respect to the right of religious liberty and the right to worship God according to one's own wishes and ideas, or the right not to worship any god if one saw fit.

They said that that could not be changed by any mere statute, but must be changed by a two-thirds vote.

Even the Founding Fathers, with all their brilliance, could not look down the lane 190 years and anticipate what would happen. Even with all their brilliance, they could not possibly have predicted or envisioned what we have done in this country and the developments of the 20th century that have within the period of 60 years changed the manner of living and habits and thinking of mankind to a greater extent than in any other period of a thousand years in human history.

So please, I beg, Senators, even those who in a moment of weakness have made some commitment with respect to this matter, to go over it in your minds and think over again what the effect would be.

I know about the frustrations of long debate here. I suppose I have been involved in my share of it on both sides of the fence.

It is human nature that if you have a bill up and have a majority of one in the Senate, you are ready to vote then, and any debate against that bill is something that is irritating and frustrating, because you cannot bring the bill to a vote immediately with that majority of one.

Mr. President, the majority is not always right. Down through the years there are great monuments, tragic monuments, to the failure of the majority to be right, the errors of a temporary majority such as it is proposed to subject the Senate to, a proposal to turn loose all the fires of partisanship to a mere majority, to close off debate and silence the opponents before they have had a full and fair chance to make their case before the American people.

It is sometimes hard to let it seep through. Sometimes when you are defending what you believe in, but which may be unpopular for the moment, you do not have the great media of communications to support you. They have a way of getting together sometimes, and they will exalt statements in favor of the issues they support and will minimize statements in opposition to those issues.

It is more difficult today than ever before to get both sides of the case before the American people. But I can assure, Senators, on the basis of almost 35 years of service in this body, that there are two sides to every question.

Maybe most of us think, "There is my side and there is the wrong side," but often the side you are for and the side I am for is the wrong side—it happens time and again.

Mr. President, the Senate was created to give a full chance to expose here the errors of the other branches of the Government. One of its main purposes was to permit a complete revision or canvas of the acts of the other body, to have full sway to offer amendments, and to make speeches to point out those mistakes.

Over the years, when you balance it up, the right of free speech in this body has been vastly more beneficial in the preservation of our system of Government, in maintaining our system of checks and balances, in trying to maintain the division of powers be-

tween the three separate branches of the Government, than the action of any army. The Senate is the last bulwark of the minority in this land.

Now, the majority will work its will. It may have a little trouble. It may have delays. The members of the majority may get tired of sitting around listening to debate that men of good faith are making; to speeches made in the Senate, with which I thoroughly disagree, but upon which Senators had spent hours of labor. They rendered a public service, because they helped to open up before the American people both sides of the question.

This is not a partisan matter. This is a matter that goes to the heart of our system. The Senate of the United States is a unique body. It has been the most useful instrumentality of government down through the years. It has served this Nation well as a continuing body, with two-thirds of its Members going over from election to election, as the Founding Fathers provided, to carry with them experience and an understanding of the operations of the other branches of the Government, so that they might help to protect the people of this country from the excesses of the executive branch of the Government or to undo some excess or wrong that was worked by the decisions of the judicial branch of the Government.

The Senate has had a proud history. Oh, we have made mistakes, because we are human. We are fallible, as are all other men who are born of women, and as are women who are born of women. But, Mr. President, the Senate owes its greatness to the right of the representatives of the States of this Union to stand up and speak their pieces. This is the only place where that can be done.

I do not guarantee these figures, but I think they are correct. The last time I checked them they were correct. In the other body, the solid votes of nine States can overcome the resistance of all the Representatives of the other 41 States in affairs of legislation that would be beneficial to those larger States.

In the general scheme of things, the smaller States are always disadvantaged and handicapped. That is true in the organization of our political parties. It is true in the other body. Until recent years, very few men from very small States were even appointed to the President's Cabinet. The one place where the small States had a right to be heard, where they could defend the interests of their people, was the Senate of the United States.

I never cease to be amazed when I see representatives from some of the smaller States come into the Senate and attempt to denigrate the only power of the small States which equalizes them with the larger. It is not true anywhere else. It is not true in an election. It is not true in the other body. It is true only in the Senate of the United States.

Let those who wish to have gag rule that is more inflexible than the existing rule XXII bring a bill of particulars, and say: "Here are the bills that are vital to our people, that were defeated because we did not have immediate gag rule to shut off debate in the Senate of the United States."

Let them bring a bill of particulars. Certainly in over 190 years there must have been a number of such bills. If the situation is so bad that we have to go through this procedure at the beginning of every Congress, and it is said, "The Senate is not a continuing body; therefore we have a right to short-cut the rules," even though the rules specifically provide that they shall carry over from one Congress to the other, let the proponents bring in a bill of particulars.

In spite of all that, this drive goes on and on and on. I can understand it on

the part of Senators from the very large States.

Mr. President, from the standpoint of the Senate itself as a body—I have great respect for the Senate of the United States as an institution—I think the right of free speech in this body has been one of the factors that has made this Government, this system of ours, the oldest operating system of government on earth today. Our Constitution is the oldest charter. I do not like to see Senators take lightly these proposals to so drastically change the rules.

As a matter of fact, up until 1917 there was no way on earth to prevent any Senator or group of Senators from speaking as long as they wished. During the First World War and afterward, in connection with the so-called armed-ship bill and two or three other measures, rule XXII has been modified two or three times. Now it is proposed to strike it out almost completely, with a great statement of words. The proponents say that to do so will protect the rights of Senators. Mr. President, the only way the rights of Senators can be protected in representing the States that sent them to the Senate is to preserve the right of free speech in the Senate. When that right is limited, the power of every Senator is limited, and the rights of the State that sent him here are circumscribed.

I realize that there are those who are committed to the doctrine that the States no longer serve any useful purpose and that it would be much more efficient and much better to have everything, from parking regulations on up to the treaties that, under the present Constitution, must be submitted to the Senate, decided by some vast bureaucracy on the banks of the Potomac. But if that is true, it flies in the teeth of human experience; because the shores of history are littered with the wrecks of civilizations that have tried that, that have enticed men to surrender their rights to someone who is going to be able to be more benevolent to a person than he could be to himself—the old "something-for-nothing" theory.

That is the objective of some of those who are seeking to bring about various changes in our system. This rule has worked no great wrong on the American people. To change it and institute gag rule in the Senate will work great wrong on them.

Mr. President, those words are from a Senator recognized as one of the best parliamentarians who ever served in the Senate.

Mr. President, at the outset of this discussion, I quoted from the speech Senator Dick gave in 1906 when the majority of Congress was trying to force joint statehood on New Mexico and Arizona. The Senator cited a great number of statistics about how neither Arizona nor New Mexico amounted to much alone. He also created the impression that neither one of them would amount to much.

The majority of the Senate seemed to agree with Senator Dick, and most certainly would have gone along with the joint statehood idea.

Extended debate in the Senate, however, eventually brought out the true facts. Let us look at some more of the arguments put forward by Senator Dick, and compare, if you will, Mr. President, how things eventually came about. You will see that his idea of conditions in the West, and the majority opinion at that time, were far from right.

At one point he talked about irrigated lands, and he indicated that he did not

have much hope that irrigation would ever amount to much. He said:

**MANY ONCE IRRIGATED PLAINS ARE NOW DESERTS**

While farming by irrigation has, under most favorable conditions, almost the certainty of an exact science, yet the obstacles are many, and nature is not always subdued. The desert plains of Persia and Assyria were once the homes of teeming cities and a country of immense wheat production, raised by irrigation. They are now dreary wastes of sand, showing that man does not always prevail in the attempt to conquer dry lands by irrigation.

Mr. President, I would just like to bring to the attention of the Senate the fact that the first great reclamation project in this country was the Theodore Roosevelt irrigation project in Arizona—one of the most successful of all such projects. This was in the days when Senator Dick was speaking about the Arizona-New Mexico program.

**Continuing:**

**PREHISTORIC IRRIGATION IN ARIZONA**

When the Spaniards first discovered this country they found the ruins of a civilization so ancient that all memory of it was lost. Traces of ditches and ruins of old irrigation works where now are only sand and desert wastes prove that man, for a time, prevailed here in the contest against nature, but was finally destroyed and that ruin and desolation settled over land which once blossomed and bore fruit abundantly.

I remind the Senate that by irrigation and farming those lands, they have now been brought back into fruitful production.

**I continue to read:**

**SOME OF THE DIFFICULTIES OF IRRIGATION**

It may be profitable to consider some of these problems of irrigation, especially since so much is claimed for it and so much depends upon it.

In these great areas of valley land in the southwestern portion of the Territory, under a semitropical sun, where the greatest development of agriculture is taking place, water is more valuable than gold. Here irrigation was carried on by the Indians long before the advent of white men. In many of these river valleys for long distances the water of the river flows underground and can only be reached by sinking wells and erecting pumping stations.

Mr. President, in those days back in 1906 through 1910 when the matter of whether we would have statehood was being considered, we naturally did not realize what would be the outcome of the decisions being made here. But we do know that the studies that were made took time. They could not be done overnight. No one could visualize the great fertile valley that is now in that territory. No one could visualize the development that would come about that would cause this area to be one of the very prominent producers of agricultural products. No one could visualize that in that State of Arizona would be vast resources of copper and that today that State would be producing over half of the copper produced in the United States.

Mr. President, I would like to return to our more recent history.

Last year we also had a 7-week filibuster during which opponents of President Nixon's policy in Southeast Asia attempted to swing public opinion to their side.

This all cost the Senate precious time.

When we came to the end of the year, a number of very important bills were left for action in a very short time. Then we got another flurry of filibusters going—I believe someone counted six or so.

What I would like to know is whether those Senators who engaged in filibusters in 1970 now regret their actions. I would like to know how many of those who won their points through filibustering would make a trade at this time if they could—and of course they cannot. But would they have accepted defeat on the issue of their filibuster if it had meant they could have passed some other important bill of theirs which did not get through.

I have a feeling that given a second chance, most would have followed exactly the same course of action. That is, they would place more value on killing a bad bill or what they feel is a bad appointment, than they do on passing what they consider a good bill or winning approval of a good appointment.

Mr. President, without intending to interject any partisan slant into this discussion, I would like to turn to a speech given in 1968 at the Republican National Convention in Miami Beach, Fla. It was given by Senator Everett M. Dirksen, our beloved late minority leader from Illinois. I would like to read a part of his speech entitled "A Republic—If You Can Keep It."

In Philadelphia one hundred eighty-one years ago, farseeing men fashioned us a revolutionary new government—a daring new system reposing all power in the people.

Then, as they prepared to depart for their homes, venerable Benjamin Franklin encountered a concerned citizen.

"Dr. Franklin," he was asked, "What have we got—a monarchy or a republic?"

At once he replied, "A republic—if you can keep it."

I repeat those sage words, "A republic—if you can keep it."

Seventy-four years later that challenge still echoed at Gettysburg. There Abraham Lincoln posed the same deathless question—whether a Nation conceived in liberty and dedicated to equality can long endure.

It did endure.

Through foreign wars, through depressions, through political storms, through economic tinkering and tampering, it has endured \* \* \*

Yet, today we are challenged anew.

A Soviet leader declaims that ours is a rotten, decadent society. God forbid our having to make the point—but, should he try us, he'll quickly find out what Americans really are!

One hears even here at home that we have a sick society. What nonsense! Only radicals who traffic in trouble—only extremists intolerant of moderation—only celebrating pessimists bemused with a mote in America's eye—say it. \* \* \*

I repeat, America is *not* ailing. But we are indignant. To see why, let's first trace the further unfolding of our Nation.

Some two centuries ago, first in a rivulet, then in a torrent, our people thrust out from the colonial seaboard across the mountains and plains to the west, the south, the north, until the frontier closed at the Pacific. Then they swirled together again. Thus grew our teeming urban centers, and our rural economy became enmeshed with vibrant new industry. The vitality and productivity nurtured by this fabulous mix made us prosper as no nation before. So, in time, we matured into the mightiest of nations—the leader,

the hope, and the benefactors of the free world. \* \* \*

Then, as is expected on such occasions Senator Dirksen cited the sins of the administration then in power. And, of course, in his wonderfully deep voice, he put forward the promise that the Republicans would lead the Nation out of its wilderness.

In closing his speech, he said:

Clearly, my friends, the hour is late and our problems legion. It is America's hour of need.

It is not merely a political victory that concerns us here, but rather the future of this Republic. Rolling down the years we still hear Ben Franklin's challenge: "A republic—if you can keep it."

Mr. President, I have talked about the many problems we have faced over the years. I have talked about the early days of our Nation and about the problems that have faced us year after year and the problems facing us today which are, in some respects, even more perplexing. But, Mr. President, we cannot lose sight of the fact that through many of the years in which we have seen the Senate operate with the right of full debate and full discussion, we have seen benefits come in all periods of time in which this privilege was given and we see it today, and we want it to continue. As I understand it, that is exactly what we are doing here today. We are trying to preserve our Republic by preserving the nature of one of its basic institutions, the U.S. Senate.

I yield the floor.

**CONDITIONS IN THE PENAL INSTITUTIONS**

Mr. HRUSKA, Mr. President, an article appeared in a recent issue of Time magazine entitled "The Shame of the Prisons." This excellent discussion of this topic leaves the reader appalled at the present conditions in our penal institutions. I commend it to the thoughtful attention of all my colleagues and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA, Mr. President, "Shame of the Prisons" begins with the very apt quote from Dostoevsky:

It is with the unfortunate, above all, that humane conduct is necessary.

In our prison systems today the humaneness of the treatment afforded convicts is very much in doubt. Anyone who reads this competent and thorough treatment of the subject will of necessity come away with the belief that no portion of our society needs or could benefit more from humane and enlightened treatment than our prisoners.

As President Nixon has said:

Nineteen out of every 20 persons who are sent to prison eventually return to society. What happens to them while they are in confinement is a tremendously important question for this country.

Are they effectively rehabilitated? In some instances, the answer is yes. But in an appalling number of cases, our correctional institutions are failing.

The American system for correcting and rehabilitating criminals presents a convincing case for failure. No realistic program to substantially reduce crime can ignore the appalling deficiencies of our prisons and rehabilitation efforts.

Today at least 40 percent of all offenders released from custody eventually return to prison.

Experience has shown that far too many of our jails and prisons corrupt rather than correct; contaminate rather than rehabilitate. All too often, these institutions are socially infectious breeding places that stimulate criminal careers rather than instilling acceptable patterns of behavior and preparing convicts to return to a useful role in society.

Confining men under conditions which encourage idleness, brutality and homosexuality can only serve to foster criminal behavior. So long as we permit recidivism to be the rule rather than the exception, crime will continue to increase.

Correcting criminal behavior is, and should be, the primary goal of our prison systems. Unless we change the offender while he is incarcerated, the prospects of his returning to society as a law-abiding and contributing citizen are remote indeed. The endless cycle of arrest, imprisonment, release, and rearrest has plagued this Nation for too long. It must be reversed.

Congress has recently taken two very important steps to try to accomplish this goal. In 1968, the Omnibus Crime Control and Safe Streets Act made limited resources available to the States for the improvement of prison facilities. However, under this act the greater emphasis was put on a wide range of law enforcement activities, which of necessity meant that very little money was available for correction. During the first years of this program there was simply not enough money appropriated for the law enforcement assistance program to make much of a dent in this very serious problem.

Last year Congress approved the Omnibus Crime Control Act of 1970 which added a new part E to the 1968 act and which authorized greater emphasis and priority for corrections. Under the terms of this section an amount equal to not less than 20 percent of the funds allocated for action grants must be devoted to "comprehensive statewide programs for the construction, acquisition, or renovation of correctional institutions—and the improvement of correctional programs and policies." For the current fiscal year this means that as much as \$120,000,000 will be available for grants to States for corrections.

This figure will increase over the coming years as the moneys appropriated for LEAA increase. Fifty percent of these funds are to be used as block grants to State planning agencies; 50 percent are for LEAA discretionary grants.

The Time article contains many shocking examples of the conditions that presently exist in our penal institutions. One additional statistic will go far to illustrate the problems we face: The National Council on Crime and Delinquency reports that there are 358 State penal and correctional facilities for adults in the United States. Of these 61 were

opened before 1900; 25 of those are more than 100 years old.

Less than 10 percent of the prison population of this Nation is housed in our Federal prison system. The great need is at the State and local level where an estimated 10,000 separate custodial institutions exist. Congress has taken, as I have said, two important steps to provide additional funds for the upgrading of these facilities and their programs. We will continue to do all that we are able. However, the public and elected officials at all levels must become aware of the "Shame of the Prisons" and must see that constructive action is taken.

Unfortunately, there are already more demands on our dollars than we can presently meet. This of course means that to allocate more money for corrections some other programs must be trimmed. In addition, prison reform is not a particularly potent issue; its constituency lacks clout. We must make it otherwise. Regardless of these two disadvantages, for the sake of justice, decency, and humanity this Nation must find a solution to the corrections problem. I hope that this article will have the same effect on others who read it as it had on me—a renewed dedication to the task of bringing our prisons and their prisoner rehabilitation programs into the 20th century. I commend the article and the cause it espouses to each of my colleagues.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a news release from the Department of Justice having to do with a survey made on prison population and some of the results of incarceration.

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

(See exhibit 2.)

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a news release from the Department of Justice dated January 25, 1971, in which there was announced the signing of a contract for the architectural design of a new psychiatric treatment center at Butner, N.C.

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

(See exhibit 3.)

Mr. HRUSKA. Mr. President, this center has long been needed. It would replace in the main the facility at Springfield, Mo., which is almost 40 years of age, and very obsolete, and yet seeking to perform for a large prison population diagnosis, psychiatric treatment, and other care of longer range than the ordinary clinical case. The announcement made a week ago is a very heartening development and along the lines indicated by the text of the statement that I have just made regarding prison reform.

#### EXHIBIT 1

##### THE SHAME OF THE PRISONS

*It is with the unfortunate, above all, that humane conduct is necessary.*—Dostoevsky.

President Nixon calls them "universities of crime." Chief Justice Burger has become a crusader for their reform. Legislators have taken to investigating them—and citizens have finally begun to listen. After decades of

ignoring their prisons, Americans are slowly awakening to the failure that long neglect has wrought."

It is not just the riots, the angry cries of 426,000 invisible inmates from the Tombs to Walla Walla, that have made prisons a national issue. Public concern is rooted in the paradox that Americans have never been so fearful of rising crime, yet never so ready to challenge the institutions that try to cope with it. More sensitive to human rights than ever, more liberated in their own lives and outlooks, a growing number of citizens view prisons as a new symbol of unreason, another sign that too much in America has gone wrong.

It is a time when people have discovered with a sense of shock that the blacks who fill prisons (52% in Illinois) see themselves as "political victims" of a racist society. It is a time when many middle-class whites are forced to confront prisons for the first time, there to visit their own children, locked up for possession of pot or draft resistance. A time when many judges have finally begun to make personal—and traumatic—inquiries. After a single night at the Nevada State Prison, for example, 23 judges from all over the U.S. emerged "appalled at the homosexuality," shaken by the inmates' "soul-shattering bitterness" and upset by "men raving, screaming and pounding on the walls." Kansas Judge E. Newton Vickers summed up: "I felt like an animal in a cage. Ten years in there must be like 100 or maybe 200." Vickers urged Nevada to "send two bulldozers out there and tear the damn thing to the ground."

#### THE BIG HOUSE

It will not be easy to raise, much less reform, the misnamed U.S. "corrections" system, which has responsibility for more than 1.2 million offenders each day and handles perhaps twice as many each year. Since 1967, four presidential commissions, dozens of legislative reports and more than 500 books and articles have pleaded for prison reforms. But the system remains as immutable as prison concrete, largely because life behind the walls is still a mystery to the public. Most Americans think of prisons only in terms of the old "big house" movies starring James Cagney and more recently Burt Lancaster.

In fact, the corrections system is not a system at all. It is a hodgepodge of uncoordinated institutions run independently by almost every governmental unit in the U.S. Pacesetter federal institutions (20,000 prisoners) range from maximum-security bastilles like Atlanta Penitentiary to a no-walls unit for tame young offenders in Seagoville, Texas. The states offer anything from Alabama's archaic road gangs to California's Men's Colony West, one of the nation's two prisons for oldsters. There are forestry camps for promising men and assorted detention centers for 14,000 women. Some juvenile institutions are the best of the lot because reformers get the most political support at that level. But many areas are still so lacking in juvenile facilities that 100,000 children a year wind up in adult pens.

#### THE JAIL MESS

Two-thirds of all U.S. offenders technically serving time are actually outside the walls on parole or probation, but most offenders have at some point encountered the worst correctional evil: county jails and similar local lockups. Such institutions number 4,037—a fact not even known until last week, when the federal Law Enforcement Assistance Administration published the first national jail census. Jails usually hold misdemeanants serving sentences of a year or less. More important, they detain defendants awaiting trial: 52% of all people in jails have not yet been convicted of any crime. Of those, four out of five are eligible for bail but cannot raise the cash. Because courts are overloaded, unconvicted defendants may

linger in crowded cells for months or even years.

To be sure, jails vary widely from two-cell rural hovels to modern urban skyscrapers. But the vast majority treat minor offenders—and the merely accused—more harshly than prisons do felons, who commit graver crimes. The jail mess is typified by New Orleans' Parish Prison, a putrid pen built in 1929 to hold 400 prisoners. It now contains 850—75% of them unsentenced. Money and guards are so short that violent inmates prey on the weak; many four-bunk cells hold seven inmates, mattresses smell of filth and toilets are clogged. Prisoners slap at cockroaches "so big you can almost ride them."

Jail conditions frequently breed hardened criminals who then go on to the prisons themselves, the second anomaly in a pattern that stands as a monument to irrationality. The typical U.S. felon is sentenced by a judge who may have never seen a prison and has no idea whether  $x$  years will suffice. Leaving the courtroom, where his rights were scrupulously respected, the felon has a good chance of being banished to one of 187 escape-proof fortresses, 61 of them built before 1900. Now stripped of most rights, he often arrives in chains and becomes a number. His head sheared, he is led to a bare cage dominated by a toilet. In many states his cellmate may represent any kind of human misbehavior—a docile forger, a vicious killer, an aggressive homosexual.

In this perverse climate, he is expected to become socially responsible but is given no chance to do so. He is told when to wake up, eat and sleep; his letters are censored, his visitors sharply limited. His days are spent either in crushing idleness or at jobs that do not exist in the "free world," such as making license plates for a few cents' pay an hour. In some states, he cannot vote (even after his release), own property or keep his wife from divorcing him. He rarely gets adequate medical care or sees a woman. Every thing is a privilege, including food, that can be taken away by his keepers.

If he is accused of violating one of scores of petty rules, he is hauled before the "adjustment council" without right to counsel. If he denies guilt, he can be punished for implying that his accuser guard lied; if he admits it, he may lose "good time" (eligibility for parole) and perhaps land in solitary. The lesson is clear: truth does not pay.

If he happens to be a rich criminal, a Mafia type, life in some prisons can be easy. Ill-paid "hacks" (guards) may sell him anything from smuggled heroin to a girlish cellmate. More often he is a complete loser; for him, prison is synonymous with poorhouses. Already angry at life's winners, he becomes even more insensitive to others in a doomed universe whose motto is "Do your own time"; trust no one, freeze your mind, be indifferent. Unequipped for normal society, he may well be headed back to prison as soon as he leaves. In fact, he may come to prefer it: Why struggle in a world that hates ex-convicts?

Everyone knows what prisons are supposed to do: cure criminals. Way back in 1870, the nation's leading prison officials met in Cincinnati and carved 22 principles that became the bible of their craft. "Reformation" they declared, "not vindictive suffering, should be the purpose of the penal treatment of prisoners." Today, every warden in the U.S. endorses the ideal of rehabilitation. Every penologist extols "individualized treatment" to cure each inmate's hangups and return society's misfits to crime-free lives. But the rhetoric is so far from reality that perhaps 40% of all released inmates (75% in some areas) are reimprisoned within five years, often for worse crimes. Says Rod Beaty, 33, who began with a \$65 forged check, became an armed robber, and is now a four-time loser in San Quentin: "Here you lose all sense of

values. A human life is worth 35c, the price of a pack of cigarettes. After five years on the inside, how can you expect me to care about somebody when I get outside?"

#### SLAVERY IN ARKANSAS

Without question, the U.S. boasts some prisons that look like college campuses—humane places that lack walls and shun official brutality. Guards chat amiably with inmates; men are classified in graded groups, promoted for good conduct and sped toward parole.

And yet, rehabilitation is rare. By and large, mere aging is the main cause of going straight. For inmates between the ages of 16 and 30—the vast majority—neither the type of prison nor the length of sentence makes any significant difference. The repeater rate, in fact, is rising. Something is clearly wrong with a system that spends \$1 billion a year to produce a failure record that would sink any business in a month. Consider a random sample of prisons from the worst to the best:

**Arkansas.**—Whether in 110° F. summer heat or winter cold, 16,000 acres of rich southeastern Arkansas land will always be tilled. This is the Cummins Prison Farm, where 200 convicts stoop in the vast cotton fields twelve hours a day, 5½ days a week—for zero pay. Such are the wages of sin in what may be the nation's most Calvinistic state.

A virtual slave plantation in the 20th century, Cummins takes all kinds of errands and turns them into white-clad "rankers" who work or perish. Toiling from dawn to dusk, they move in a long line across the fields, supervised by a horseman in khaki and five unmounted "shotguns" (guards) who "push" the serfs along. At each corner of the field stands another guard, armed with a high-powered rifle. All the guards are convicts, the toughest at Cummins. Hated by rankers, the trustees are picked for meanness in order to keep them alive off duty. They are killers, armed robbers, rapists—ready to gun down the first ranker who strays across an imaginary line in the fields.

After three skeletons were dug up on the farm in 1968, national publicity moved the state to do a little fixing. Gun-toting trustees lost some power, 60 more free-world staffers arrived, \$450,000 was allotted to replace some men and mules with farm machinery. Robert Sarver, head of the Arkansas penal system is pushing hard for improvement against stiff odds. But Cummins still lacks any schooling, counseling or job training. For a college-trained social worker, the state pays only \$593 a month; Cummins can barely attract civilian guards (\$330). Says Sarver: "We can't guarantee a man's safety."

Last year U.S. District Judge J. Smith Henley ruled that imprisonment in Arkansas amounts to unconstitutional "banishment from civilized society to a dark and evil world." He ordered the state to reform Cummins by the fall of 1971 or face an order to close the place. But the evil world persists. With no pay, Cummins prisoners survive by selling their blood or bodies. To blot out the place, they sniff glue and gobble smuggled pills. Some mornings, 200 men are too stoned to work. Since gambling is pervasive, loan sharks top the prison pecking order. They charge 50c per dollar a week and swiftly punish defaulters. In a single month last summer, Cummins recorded 19 stabbings, assaults and attempted rapes. The worst of it is the privacy-robbing barracks, where 100-bunk rooms house all types, from harmless chicken thieves to homicidal sadists, and the young spend all night repelling "creepers" (rapists). You're all there in the open," shudders a recently released car thief named Frank. "Someone's stinking feet in your face, radios going, guys gambling. You never really get to sleep. What's worse is the fear. There's

no protection for your life. I kept thinking 'if I get out—not when.'"

**Indiana.**—With its 40-ft. walls, the gray castle in Michigan City looks its part: a maximum-security pen for 1,800 felons, including teen-age lifers. Inside, the walls flake, the wiring sputters and the place is falling apart. Indiana spends only 1.5% of its state budget on all forms of correction.

Like many legislatures, Indiana's insists that prisons make a profit. Last year Indiana State Prison turned out 3.5 million license plates, among other things, and netted the taxpayers \$600,000—no problem when inmates get 20¢ an hour. Inmates also provided the prison's few amenities. Many cells are jammed with books, pictures, record players and tropical fish in elaborate tanks. There are two baseball diamonds, three miniature golf courses, tennis, basketball and handball courts—all equipment paid for by the inmates' recreation fund.

The prison needs far more than play. It teems with bitter men, one-third of them black. Some of the toughest are young militants transferred from Indiana State Reformatory at Pendleton, where 225 blacks staged a sitdown last year to protest the prolonged solitary confinement of their leaders. Instead of using tear gas or other nonlethal weapons, Pendleton guards fired shotguns pointblank into the unarmed crowd, killing two blacks and seriously wounding 45. One official gasped: "They slaughtered them like pigs."

At Indiana State, Pendleton survivors and other young blacks grate against 245 guards, most of them middle-aged whites and some close to 70. This is a U.S. pattern: only 26% of all prison guards are younger than 34; only 8% are black. To compound Indiana State's age and racial tensions, only a third of the inmates actually work. Boredom is chronic. The prison has only 27 rehabilitation workers; job training is absurd. Since the state provides few tools, vocational classes make do with donated equipment: archaic sewing machines, obsolete typewriters, TV sets dating to Milton Berle.

Why not send some promising Indiana inmates to work or school outside? "Their victims would disagree," says Warden Russell Lash, a former FBI agent. Lash, only 29, is a good man hampered by his budget and the voters' fears. His first duty, he says, is "custody."

**California.**—Though it leads all states in systematic penology, California has the nation's highest crime rate. Critics also claim that the system is characterized by a kind of penal paternalism that becomes psychological torment. In a much touted reform, California judges give indeterminate sentences; corrections officials then determine each offender's fate according to his presumably well-tested behavior. Thus 68% of all convicted offenders get probation, 6% work in 20-man forestry crews, and only 13.5% of felons go to prison. Despite rising crime, California's prison population (26,500) has actually dropped by 2,000 in the past two years.

All this saves millions in unneeded prison construction. But it fills prisons with a higher ratio of hard-core inmates who disrupt the rest. And because of indeterminate sentences, California "corrects" offenders longer than any other state by a seemingly endless process (median prison stay; 36 months) that stirs anger against the not always skilled correctors. Says one San Quentin official: "It's like going to school, and never knowing when you'll graduate."

Something is not quite right even at the state's cushiest "correctional facilities" (bureaucrats for prisons), some of which could pass for prep schools. At no-walls Tehachapi, near Bakersfield, inmates can keep pianos in their unbarred rooms, get weekend passes and join their wives at "motels" on the lush green premises. Yet Tehachapi is full of re-

peaters, prison-dependent men who soon violate their paroles and return.

These days, California's black prisoners are rebelling at places like Soledad, a seeming garden spot in the Salinas Valley that looks like a university campus. Soledad's 960 acres throb with activity: tennis, basketball, weight lifting, a dairy, a hog farm. Inmates earn up to \$24 a month turning out toilet paper and handsome furniture for the judges and prosecutors who get them the jobs. But for 180 rebels confined in Soledad's "X" and "O" wings, there is no play or work. Because they scorn prison rules, they are locked up tighter than lions in a zoo.

Many are blacks who see themselves as political victims; others whites who hate the blacks. Racial tension is so bad that some prisoners wear thick magazines strapped to their backs to ward off knife blades. In January 1969, the prisoners were allowed to exercise together in a small yard. Before long, a guard shot and killed three blacks. According to the guard's testimony before a Monterey County grand jury, the blacks were beating a white inmate. The guard said that he fired a warning shot, then killed the attackers. Though black witnesses insisted that there was no warning shot, the grand jury ruled justifiable homicide. At Soledad not long after that ruling, a white guard was thrown off a balcony to his death.

The accused killers are three unrelated blacks who call themselves the Soledad Brothers. They include George Jackson, one of the angriest black men. In one of his many despairing letters to Angela Davis, the black Communist, Jackson wrote: "They've created in me one irate, resentful nigger—and it's building."

#### COSTLY CAGES

The idea that imprisonment "corrects" criminals is a U.S. invention. Before the 18th century, prisons mainly detained debtors and the accused. Punishment itself was swift and to the point. Europeans castrated rapists and cut off thieves' hands; the Puritans put crooks in stocks and whipped blasphemers—they forgave them.

In 1970, Philadelphia's Quakers started a humane alternative to corporal punishment: they locked errants in solitary cells until death or penitence (source of penitentiary). Soon the U.S. was dotted with huge, costly, isolated cages that deepened public fear of those inside and reinforced a U.S. spirit of vengeance against prison inmates.

Caging has crippled the entire system. Burdened with vast forts that refuse to crumble (25 prisons are more than 100 years old), wardens cope with as many as 4,000 inmates, compared with the 100 that many penologists recommend. Archaic buildings make it difficult to separate tractable from intractable men, a key step toward rehabilitation. The big numbers pit a minority against a majority, the guards against the prisoners. Obsessed with "control," guards try to keep inmates divided, often by using the strong to cow the weak. The result is an inmate culture, enforced by fist or knife, that spurs passivity and destroys character.

Even though two-thirds of all offenders are on parole or probation, they get the least attention: 80% of the U.S. correctional budget goes to jails and prisons; most of the nation's 121,000 correctional employees simply guard inmates and worry about security. Only 20% of the country's correctors work at rehabilitation and only 2% of all inmates are exposed to any innovative treatment.

Federal prisons lead most of the U.S. in job training; yet few released federal inmates find jobs related to their prison work. With notable exceptions, like California, most states provide no usable training, partly because unions and business have lobbied for laws blocking competition by prison industries. At least one-third of all inmates simply keep the prison clean or do nothing. Most

of them need psychiatric help. Despite this, there are only 50 full-time psychiatrists for all American prisons, 15 of them in federal institutions, which hold only 4% of all prisoners.

The failure of American prisons, humane or inhumane, to change criminal behavior is hardly their fault alone. The entire American criminal justice system shares the blame. It is perfectly human, if somewhat bizarre, for a criminal to see himself as a victim. The U.S. reinforces that defense: most crimes are committed for economic reasons by the poor, the blacks and other have-nots of a society that stresses material gain. In fact, only 20% of reported U.S. crimes are solved; half the crimes are never even reported. Since justice is neither swift nor certain, the caught criminal often sees his problem as mere bad luck in a country where "everyone else" gets away with it.

He has a point. Americans widely ignore laws they dislike, whether against gambling or marijuana. The nicest people steal: roughly 75% of insurance claims are partly fraudulent. Uncaught employees pocket \$1 billion a year from their employers. To poor offenders who go to jail without bail the system is unfair, and the legal process strengthens that opinion. If a man cannot afford a good lawyer, he is pressured to plead guilty without a trial, as do 90% of all criminal defendants. He then discovers that for the same crime, different judges hand out wildly disparate sentences, from which 31 states and federal courts allow no appeal.

So the prison gets a man who sees little reason to respect state-upheld values. Even if he actually leaves prison as a reformed character, he faces hazards for which no prison can be blamed. In a Harris poll, 72% of Americans endorsed rehabilitation as the prison goal. But when it came to hiring an ex-armed robber who had shot someone, for example, 43% would hesitate to employ him as janitor, much less as a salesman (54%) or a clerk handling money (71%). This is obviously understandable; it also teaches ex-cons that crime pays because nothing else does.

Even parole supervision is often cursory and capricious. Many parole agents handle more than 100 cases; one 15-minute interview per month per man is typical. The agents can also rule a parolee's entire life, even forbid him to see or marry his girl, all on pain of reimprisonment—a usually unappealable decision made by parole agents, who thus have a rarely examined effect on the repeater rate. To test their judgment, Criminologists James Robison and Paul Takagi once submitted ten hypothetical parole-violator cases to 316 agents in California. Only five voted to reimprison all ten men; half wanted to return some men but disagreed on which ones.

#### GROPPING FOR CHANGE

Can prisons be abolished? Not yet. Perhaps 15% or 20% of inmates are dangerous or un-reformable. Still, countless experts agree that at least half of today's inmates would do far better outside prison. President Johnson's crime commission advocated a far greater shift to "community-based corrections" in which prisons would be a last resort, preceded by many interim options designed to keep a man as close as possible to his family, job and normal life—not caged and losing all self-reliance.

Sweden provides a fascinating model. Each year, 80% of its convicted offenders get a suspended sentence or probation, but forfeit one-third of their daily pay for a period determined by the seriousness of their offenses. The fine can be a tidy sum. After film maker Ingmar Bergman angrily cuffed a critic two years ago, he was convicted of disturbing the peace and fined for a 20-day period. Total: \$1,000.

Swedes who actually enter prison mostly work in attached factories, earning nominal

wages to make products for the state. Some promising long-term inmates attend daytime classes at nearby schools and colleges. All live in comfortable private rooms, furnished with desks and curtains, and are eligible for short, regular furloughs to visit their families. For several summers, groups of ten or so life-termers have been given three-week vacations, accompanied by only two guards.

Most of Sweden's 90 prisons contain no more than 120 inmates; one-third of all inmates live in open institutions without bars or walls. Guns are unheard of, some wardens are women, and inmates often carry keys to their own rooms. The escape rate is high (8%), but fugitives are rapidly caught, and Swedes are more interested in the statistic that really counts: in a country where the average prison sentence is only five months, the repeater rate is a mere 15%.

With its small, homogeneous population, Sweden has advantages that cannot be duplicated in urban, congested, racially tense America. Even so, the U.S. is groping in the Swedish direction—slowly:

In New York City, a pioneering program started by the Vera Foundation waives money bail for offenders who can show job stability or family ties pending trial. Results suggest that perhaps 50% of jail inmates could be freed in this way, cutting the U.S. jail bill (\$324 million per year) by half.

Kansas has heeded Psychiatrist Karl Menninger, a searing prison critic (*The Crime of Punishment*), and set up a felon's "diagnostic center" near the Menninger Clinic in Topeka. The state now sends all prison-bound felons to the center for exhaustive tests by four fulltime psychiatrists and numerous other experts. Result: half these men get probation. Among all such Kansas probationers, the failure rate has dropped to 25%, much less than in other states. Congress has approved a similar \$15 million center in New York City to screen federal defendants after arrest.

North Carolina's innovating "work-release" program (also common in federal prisons) sends 1,000 promising inmates into the free world each day to function normally as factory workers, hospital attendants, truck drivers. Another 45 prisoners are day students at nearby colleges; one did so well that he got a faculty job offer.

Senator Mike Mansfield has introduced a bill that would pay up to \$25,000 a piece to victims of federal crimes, then empower the Justice Department to sue convicted offenders to recover the money. States would get federal grants to copy the plan. Of all U.S. offenses, 87% are property crimes, and restitution as the entire punishment makes sense in many cases unless violence is involved. Variations include Sociologist Charles Tittle's idea: the state would repay victims immediately, then confine and employ property offenders at union wages, keeping half their pay and putting the rest in trust for their use upon release.

The big trouble is that penology (from the Latin *poena*, meaning penalty) is still an infant art given to fads and guesswork, like the 1920s reformers who yanked tens of thousands of teeth from hapless inmates on the theory that bad teeth induced criminality. Even now, penology, has not begun to exploit the findings of behavioral scientists who believe that criminal behavior is learned, and can be unlearned with the proper scientific methods.

They know that misbehavior can be changed by "punishment" if a reward for good behavior follows very swiftly. If a reward (like parole) is delayed to long, they say, the subject forgets what he is being punished for, becomes aggressive and may go insane. In this sense, the Puritan use of stocks followed by forgiveness worked far better than U.S. prison terms, some of them as incredibly long as 500 or even 1,500 years. For many U.S. offenders, especially first-

timers the mere shame of arrest and conviction is quite enough to prevent repetition.

Applying the principle of "response cost," some psychologists also say that a punishment must be in the same terms as the crime. Instead of fining a speeder, for example, they would immediately impound his car or license and make him walk home. Conversely, a cash theft might be dealt with not by jail but by a stiff fine equivalent to reparation. Another possibility for changing criminal behavior is "aversion therapy," which is used, for example, to cure bed wetting in children. Instead of chiding or coddling the child, the therapist has him sleep on a low-voltage electric blanket linked to a battery and a bell. Urine, which is electrolytic, then activates the bell, the child awakes and goes to the bathroom. A cure usually follows soon.

Since crime is often emotionally satisfying, a major problem is how to banish its thrills. One way is suggested by the work of Psychologist Ivar Lovaas with certain disturbed children who consistently try to mutilate themselves. He noticed that when the children went on a rampage, nurses warmly cuddled them and thus unconsciously rewarded their destructiveness. Instead Lovaas now jolts the kids with an electric cattle prod, often stopping the behavior pattern in hours or minutes. In his book *Crime and Personality*, Psychologist H. J. Eysenck offers a fascinating discussion of how certain depressant or stimulant drugs can be used to make a patient feel sick whenever he commits a specific antisocial act. "Given the time and resources," adds Psychologist Barry F. Singer, "a behavior-therapy program could make a bank robber want to vomit every time he saw a bank, could make an armed robber shudder every time he saw a gun."

Unhappily, all this seems remote. Only a fraction of 1% of the nation's entire crime-control budget is even spent on research. Beyond that, the system is mired in bureaucratic inertia and fiddle-faddle. Many exciting ideas are never institutionalized, the same problem that impedes school reform. In 1965, Psychologist J. Douglas Grant and his wife put 18 hardened California inmates (half of them armed robbers) to work studying how to salvage their peers. They blossomed into impressive researchers, skilled at statistics, interviews, proposal writing and the rest. Today, 13 of Grant's men are doing the same work outside. One former illiterate is getting a doctorate, one man heads a poverty-research company, two are federal poverty officials. Only one is back in prison. To Grant, this shows that criminals can be cured by trying their best to cure other criminals—an idea confirmed by many other experiments and self-help groups like Synanon and Alcoholics Anonymous.

But prison officials rebuffed Grant's idea, just as they do the work of other ex-convict groups seeking the same result. Instead of self-help, they favor trained officials working with fewer prisoners or parolees, a costly process that may well have little or no effect on the repeater rate. Thus skeptics wonder about efforts like the Federal Government's new \$10.2 million Robert F. Kennedy Youth Center in Morgantown, W. Va., where 180 staffers work on a mere 200 teen-age offenders, two-thirds of them car thieves. After detailed classification (from "inadequate-immature" to "socialized-subcultural"), the kids are plunged into quasi-capitalism: an incentive system that pays each boy points and pennies for doing his chores and studies well. The pennies are used for room rent and other needs, the points for earning privileges. The idea is intriguing, but the yearly cost per boy is huge (\$9,000 v. \$6,000 in an average juvenile home), and the results are not yet clear.

#### TWENTY-FIVE CENTS ON THE DOLLAR

Criminologist James Robison, who does research for the California legislature, is

among those who question the accuracy of many penal statistics. He even disputes the much-vaunted results of the California Youth Authority's Community Treatment Project, a famous experiment in which convicted juvenile delinquents were not confined but given intensive tutoring and psychotherapy. After five years, only 28% had their paroles revoked, compared with 52% of another group that was locked up after conviction. As a result, the state expanded the project and cut back on new reformatories, saving millions. Robison, though, has proved, at least to his satisfaction, that the experimenters stacked the deck by ignoring many of the kids' parole violations. He argues that most penal-reform funds are wasted on salaries for bureaucrats, who mainly worry about pleasing their bosses. "For every dollar spent on the criminal justice system," he insists, "we get back about a quarter's worth of crime control."

Given the facts of penal bureaucracy and sheer ignorance, critics like Robison sometimes wonder whether the only rational solution is simply to unlock all jails and prisons, which clearly breed crime and hold only 5% of the nation's criminal population while costing far more to run than all the crimes committed by their inmates. Pessimism is well founded, but the encouraging sign is that few if any Americans defend the system as it is. From the President to the lowliest felon, the nation wants a humane system that truly curbs crime. This is the year of the prisons, the year when Congress may double Federal spending (to \$300 million) to spur local reform, the year when something may finally get done and Americans may well heed Dostoevsky's goading words.

#### EXHIBIT 2

##### SURVEY ON PRISON POPULATION

More than half of the inmates of local and county jails are confined for reasons other than being convicted of a crime, the first national jail census reveals.

Attorney General John N. Mitchell announced today that the finding highlights an advance report on the survey, which was made by the Census Bureau for the Law Enforcement Assistance Administration (LEAA) of the Department of Justice.

Richard W. Velde, LEAA Associate Administrator, noted that this was the first accurate measurement of jail population, part of a broad study of our nation's jails which will be completed later this year. He noted that the jails held more than 160,000 prisoners, almost 8,000 of them juveniles, and that 35 percent of the prisoners were arraigned and awaiting trial while 17 percent were being held for other authorities or were not yet arraigned.

"Improving the corrections system in the United States," said Velde, "is the most pressing need of our criminal justice system, and jails are the most neglected area of corrections. Until this study we did not have comprehensive information about the extent of this problem."

The 1967 report of the President's Crime Commission showed a total inmate population of about 426,000, including 222,000 in adult felon institutions (state and federal prisons), 141 in correctional institutions for misdemeanor offenses, and 63,000 in juvenile institutions. "The total today is probably closer to half a million," said Velde, "and the total cost of corrections, including roughly 800,000 persons on probation and parole, is about \$1.5 billion a year."

"The full report on the jail census will be released by LEAA's statistics service later this year," Velde said, "and it will contain detailed information on such critical areas as overcrowding, lack of facilities and age of jails." He said preliminary examination of the data showed that of the jails surveyed (3,300 jails in cities and counties over 25,000

population were included in the facilities survey):

—about 85 percent had no recreational or educational facilities of any kind.

—about 50 percent had no medical facilities.

—about 25 percent had no visiting facilities.

—more than 25 percent of the cells were in buildings over 50 years old and about 6 percent more than 10 years old.

#### EXHIBIT 3

##### NEW PSYCHIATRIC CENTER AT BUTNER, N.C.

Norman A. Carlson, Director of the Federal Bureau of Prisons, announced today the signing of a contract for the architectural design of the new Psychiatric Treatment Center at Butner, North Carolina.

The \$290,000 contract was awarded to Middleton, Wilkerson and McMillan, of Charlotte, North Carolina, which also will provide construction management services for the project.

The Psychiatric Center is the first of several new special-purpose facilities planned by the Bureau of Prisons. The institution will have a capacity of 320 and will be designed to house a wide range of offenders in small groups, including youths and possibly females. In addition to mental health services, educational and vocational training programs and recreational facilities will be provided. These program components will be closely integrated with the research activities.

The Center will have a three-fold mission. It will provide diagnosis and treatment of acutely mentally ill offenders committed by the Federal courts; it will permit long-term research leading to the effective management and treatment of mentally disturbed and violent individuals; and it will serve as a center for training correctional staff in dealing with deviant behavior.

The location of the Center at Butner makes possible a close working relationship with the North Carolina Department of Corrections and medical schools and universities in the area. Staff members of these organizations, as well as representatives of the National Institute of Mental Health, the Department of Health, Education and Welfare, and other consultants are assisting Bureau of Prisons planning staff in developing the program design for the Center.

Mr. Carlson said he hopes that ultimately the Center's services can be extended to those state correctional systems that lack the resources to provide treatment and correction for the type of offenders the Butner Center will serve.

#### THE DRUG PROBLEM FACING YOUNG PEOPLE

Mr. HRUSKA. Mr. President, everywhere we go these days we hear about the drug problem facing young people in every State in the Nation. It seems that nearly every young person is faced with the temptation and easy availability of drugs. Parents are very concerned that the flow of narcotics into our schools be stopped. They are concerned that if temptation does arise, our youth have the courage and knowledge necessary to resist. Enforcement of drug laws and adequate education are the double tasks which confront us. Congress took very constructive steps last year with regard to this situation by approving the Comprehensive Drug Abuse, Prevention, and Control Act of 1970.

But government action—be it at the Federal, State, or local level—is not

enough to bring drug abuse under control. We need private action by individual citizens who are concerned by the problem and willing to take personal steps to curb its growth. One such citizen is a student from Southeast High School in Lincoln, Nebr. I have been following this young lady's story since the first copy of her bimonthly newsletter on drugs reached this office.

Miss Bren Buckley is an example of the type of citizen who sees a problem and sets out to find a solution. Her contribution to the Nebraska Governor's Commission on Drugs and the recent Nebraska Team for Drug Education has been immense. She recently wrote me a letter describing her activities and those of the two groups I have mentioned which I would like to share with my colleagues. We need more "activists" like Miss Buckley. Such activists deserve more attention by the media than their less constructive student counterparts on many of this Nation's campuses. I ask unanimous consent that the text of Miss Buckley's letter be printed at this point in the RECORD.

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

LINCOLN, NEBR.,  
January 9, 1971.

Senator ROMAN L. HRUSKA,  
Washington, D.C.

DEAR SENATOR HRUSKA: For the past five months I have been a part of the federal government's program to initiate drug education in the United States school system. It has all been coordinated by the National Action Committee for Drug Education, chaired by Helen H. Nowlis, Ph.D.

It began with a federal grant to each state's Department of Education of forty thousand dollars or more. Nebraska received forty thousand dollars and formed a drug education team.

The State Team for Drug Education in Nebraska is similar to those of other states, and recommended by the National Action Committee. Ours is composed of five people, two from the State Dept. of Educ. a community leader—president of the State PTA, and two high school students.

The first stage, excluding all the proposals and mechanics, was for us to attend one of the four national training sessions during the summer of 1970 held across the country. We attended the San Francisco Training Session directed by Dr. Hal Cornachia and Dr. David E. Smith, founder and director of the Haight-Ashbury Free Medical Clinic.

Those on the Nebraska team include, Mr. Roy Gray, Dept. of Educ.; Mr. Ed Walker, Dept. of Educ. Drug Educ. Consultant; Mrs. James Kirkman, State PTA President; Scott Bye, Kearney High School senior; and myself, Bren Buckley, Lincoln Southeast High School senior.

The San Francisco Training Session was held at San Francisco State College. We heard speakers, including Dr. Roger Smith; Dr. Richard Foster, superintendent of the Berkeley Public Schools; William Soskin; S. I. Hayakawa; Lewis Yablonski, Director of Synanon, and many others, as well as David E. Smith.

Field trips took us to the Mendocino State Hospital where we visited The Family, and also the adolescent unit for rehabilitation. We learned about the different exercises they used and even more through talking with members of The Family. The members of The Family are all ex-heroin addicts. While we were there they made a special presentation thanking David Smith for his work at the Haight-Ashbury Clinic and in helping them.

We toured much of San Francisco and spent some time in the Haight-Ashbury district. One evening, guided by Dr. Allan Matzger, who was on the staff of the training session as well as the Haight-Ashbury Clinic, several of us were given the opportunity to work at the clinic with the staff. The center was filled with mostly young people, sitting, waiting on the floor; hallways and rooms were full. We filed histories, took temperatures, and sent kids into the doctors' offices. There were kids there from all over the country with every medical problem. We talked to many of them and learned about their tripping across the country, and home areas. A few were "high" such as the case of one boy who was speeding on amphetamines. A new experience, and very exciting.

Along with those happenings, we had the opportunity to see number one rock groups at the Fillmore West, and I also attended the guru session of Steve Gaskin at the Family Dog.

After four weeks we headed back to Nebraska. Planning began immediately for five regional workshops in Nebraska aimed at teaching or rather initiating drug education. Teachers, administrators, community leaders, and students were in attendance at the workshops which now have been concluded. The workshops were held in Chadron, Kearney, Wayne, Lincoln, and Omaha, almost every other week from the beginning of November until January 8.

I have learned a great deal and although sometimes I feel I haven't given enough in return, I know that I will and somehow I will use to the greatest extent all that I have gained.

We tried to make people realize at these workshops, the same thing that we learned in San Francisco. Simple answers do not come for complex problems. The Drug issue is a complex one. We could not hand each school a little box with the answer inside. To many this was not appreciated. But, instead we tried to make them aware of just what is happening in the whole area of drugs, and finally, to see that drug abuse is not the problem, but that drug abuse is only a symptom of a much larger and deeper social problem. To get rid of the problem, as with a disease, you cannot attack only the symptoms.

As a high school student, I have served on the Southeast Council three years, been involved with the state Student Council and attended the National Conference in Indianapolis as a delegate from Nebraska. At Southeast, we carried out successfully last year a week long program on Student Activism, which fit in well with all that I have learned this year, and also, we completed a drive for \$1,000 so that we could build a school in an underdeveloped country through the Peace Corps School Partnership Program.

I have served on the Governor's Commission on Drugs as Secretary, and chairman of the Youth Committee. Through this commission I put out a bi-monthly newsletter, YOUTH FORCE which went to students across the nation. I would like to be able to start this up again.

All of these projects have fit together in a way so well to teach me about the drug issue of course, government, and people. For me the experience has been fabulous and I can only say thank you. I am inspired to keep active and continue.

Yours sincerely,

MISS BREN BUCKLEY.

#### FAIR SETTLEMENT OF THE ALASKA NATIVE CLAIMS

Mr. HARRIS, Mr. President, one of the most important responsibilities of the 92d Congress will be the passage of legislation to finally settle the Alaska Native land claims. Late in the 91st Con-

gress the Senate passed S. 1830, a bill providing a settlement of this issue, but the House of Representatives did not take action before final adjournment.

The fact the House did not act on S. 1830 was pleasing to many. S. 1830 clearly was not a fair and equitable settlement of the Alaska Native land claims. I and others believe that when the Senate considers this matter again, it will be more responsive to the needs and desires of the Indians, Eskimos, and Aleuts of Alaska, who are being dispossessed of so much of their land claims.

I have noted that the distinguished junior Senator from Washington (Mr. JACKSON) has introduced a bill to provide for the settlement of the Alaska Native land claims, S. 35, cosponsored by our colleagues from Alaska (Mr. GRAVEL and Mr. STEVENS), which is identical to S. 1830. I hope that as the Senate Interior Committee considers S. 35 and other legislation which may be before the committee providing for settlement of the claims, that it will give serious consideration to the issues raised last year on the Senate floor by myself and others as to the fairness and equity of S. 1830.

The most important issue of course is the amount of land that will be provided to the Natives. S. 35 would permit the Indians, Eskimos, and Aleuts of Alaska to retain only 10 million acres. Last year I offered an amendment to increase the acreage to be given the Natives under the terms of S. 1830 from 10 million to 40 million, but unfortunately the amendment failed to pass the Senate.

During the debate last year on S. 1830, there was some uncertainty as to how much land the Alaskan Natives wanted and needed. This year, there is no doubt about the fact that the Alaskan Natives want and need much more than 10 million acres.

The board of directors of the Alaskan Federation of Natives, meeting in Juneau in December, reached the conclusion that a fair settlement would include confirmation "of title to 60 million acres of land in the Native villages and regions over which the Native people have asserted dominion through use and occupancy from time immemorial."

The importance of a fair and equitable land settlement for the Alaskan Natives is truly great. Mrs. Margaret Nick Cooke, secretary, Alaskan Federation of Natives, expressed the significance of the land beautifully, stating:

If we lose the land, we lose our people.

Dr. Alexander Leighton, professor of social psychiatry, head of the department of behavioral sciences, Harvard School of Public Health, wrote of the importance of an adequate land base for the Alaskan Native people, stating:

In short, the shift of the Alaskan Natives from a hunting economy and culture must come about through their will and self-determination, and it must follow a period during which resources for preparing themselves have been put at their disposal through education and technical training, and when preparations have been made in the larger society for their economic and social acceptance.

Without a secure and adequate land base for their present subsistence needs and for future commercial development, the Alaskan

Natives will come into the society of the United States at the lowest economic level. This is one aspect of repeating the unfortunate history of other Indian groups. It will constitute a major failure in cultural change.

The Alaskan Federation of Natives considered going as high as 100 million acres in their demands, but finally agreed upon the 60-million-acre figure. A 40-million-acre figure was felt to be inadequate because of the needs of such regions as the Arctic Slope.

It is unchallenged that the Natives are now using a minimum of 60 million acres, which is less than 17 percent of the lands to which they have a valid legal claim. We know that the native people need vast areas of land if they are to continue their traditional way of life. The Tundra Times in an editorial recognized the importance of the land to Natives, stating:

Land is precious. Land is revered by Alaska's native people. They would like a good share of what they always had. Giving up too much of it would be a tragedy.

I advocate that the Senate approve a 60-million-acre settlement.

The provision in S. 35 establishing a five-member Commission appointed by the President that would, among other things, have the duty of preparing the final membership role of the Natives, will again be in question this year. Last year, I offered an amendment to require three, rather than just two, Natives to be on the Commission. As I said during the debate last year:

The spirit of this amendment is in keeping with the objectives of this bill, to vest in the Native people the power to determine and control their own destiny and affairs.

Indeed, Mr. President, this amendment recognizes the importance of Native self-determination in implementing the provisions of the act and is in keeping with the worthy objectives for Indians and Natives which were expressed by the President in his July 8 message on Indian affairs.

The matter of terminating the services of the Bureau of Indian Affairs will also be in question again this year. Subsection 4(b) of the bill provides for the phasing out or termination of certain rights which the Natives of Alaska are entitled to under the present law. The question of termination of services is a choice that should be left with the Natives and not be mandated by Congress.

There are other matters in S. 35 that conflict with what the Natives consider to be fair and equitable. Moneys to be received from mineral production, establishment and management of regional corporations, and other important matters must be given careful consideration and the needs of the Natives must be made known to all Senators before final consideration of the settlement bill.

I am in the process of preparing legislation which reflects the position of the Alaskan Federation of Natives. This legislation will, in my opinion, be more responsive to the true needs of the Natives and will give Congress the opportunity to avoid some of the disastrous mistakes we have made throughout the history of this Nation in destroying the cultures of our native people. It is imperative for the Senate to heed the warning that is being expressed by many of the Native people—"take our land, take our life."

Mr. President, I ask unanimous consent that a summary of the bill I intend to introduce be printed at this point in the RECORD.

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

SUMMARY OF BILLS

1. Enactment clause.
2. Declaration of policy.
3. Definitions.
4. Regions:

(a) For purposes of this Act, the State shall be divided by the Secretary within six months after the effective date of this Act into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions should approximate the area described as follows in the Federal Field Committee Report and covered by the operations of the following existing Native Associations:

- (1) Arctic Slope: Arctic Slope Region (Arctic Slope Native Association);
- (2) Northwest: Bering Strait Region (Northwest Alaska Native Association);
- (3) Bering Strait: Bering Strait Region, Bering Sea Region (Bering Strait Association);
- (4) Southwest: Southwest Coastal Lowland Region (Association of Village Council Presidents);
- (5) Bristol Bay: Bristol Bay Region (Bristol Bay Native Association);
- (6) Interior: Upper Yukon-Porcupine Region, Koyuk-Lower Yukon Region, Tanana Region, Upper Kuskokwim Region (Tanana Chief's Conference);
- (7) Aleutian: Aleutian Region (Aleut League);
- (8) Kodiak: Kodiak Region (Kodiak Area Native Association);
- (9) Cook Inlet: Cook Inlet Region (Kenai Peninsula Native Association, Kenaitze Indian Association);
- (10) Copper River: Copper River Region (Copper River Native Association);
- (11) Gulf of Alaska: Gulf of Alaska Region (Chugach Native Association);
- (12) Southeast: Southeast Region (Tlingit-Haida Central Council).

(b) Existing Native villages located within each region should be listed by region in the bill.

5. Alaska Native Commission:  
(a) An Alaska Native Commission composed of five members to be appointed by the President with the advice and consent of the Senate should be established.

(b) Of the Commission's five-member membership, as least three of the members appointed by the President should be Natives, and not more than three members of the Commission should be members of the same political party.

(c) The Commission's duties should include:

- (1) the issuance of rules and regulations for preparing a final membership roll of Natives;
- (2) the determination of eligibility for inclusion on such roll, and of protests with respect thereto; and
- (3) the preparation of final membership roll of all Natives living on the Act's effective date within five years of such date.

(d) Upon completion of its duties under the Act, the Commission should cease to exist.

6. Regional Corporations:  
(a) A regional corporate structure should be established to administer the settlement proceeds and to receive title to that land located within the various regions that is not allocated to the villages.

(b) The corporate charter for each regional corporation should provide that the corporation shall be devoted to promoting

the health, welfare, education and economic and social well-being of its members and their descendants, and shall be authorized by its articles of incorporation, among other purposes, to construct, operate and maintain public works and community facilities, to engage in medical, educational, housing and charitable programs, to make loans and grants consistent with its corporate purposes, to foster industrial and economic development, to lease and manage real property, to distribute lands, interests in land, and funds to the Native villages located within its region, and to members and their descendants.

(c) Within six months of the Act's effective date, the Secretary shall prepare an initial enrollment of Natives on a regional basis for purposes of determining who are eligible to be members of the regional corporations.

7. Other Native Corporations:  
(a) Native villages would be permitted to organize at their option as IRA corporations for the purpose of receiving (1) title to a specified amount of the surface estate of land contiguous to the village (see Section 8) and (2) a proportionate share based upon the Native population within a particular region of the monetary proceeds of the settlement (see Section 9).

(b) However the village is organized, the entity's use of monetary proceeds would be subject to the same oversight as are the regional corporations.

8. Land Allocation:  
(a) The twelve Native regions would have confirmed to each of the regional corporations a proportionate share of 60 million acres in fee based on each region's land area as it bears to the twelve region total. This approach not only causes the settlement to relate directly to the land claimed by identifiable Native groups, but also simplifies the land allocation process by not having to rely on the Native enrollment which may require the entire five year period from the Act's effective date to complete.

(b) Regional percentages are rough approximations and subject to verification and are set forth below solely for illustrative purposes.

Region	Region's acreage in millions	Percentage
(1) Arctic Slope	56.5	15
(2) Northwest	28.2	8
(3) Bering Strait	9.9	3
(4) Southwest	31.1	8
(5) Bristol Bay	17.0	5
(6) Interior	136.7	30
(7) Aleutian	13.9	5
(8) Kodiak	8.5	3
(9) Cook Inlet	17.5	5
(10) Copper River	16.5	5
(11) Gulf of Alaska	12.5	5
(12) Southeast	27.0	8
Total	375.3	100

(c) On the basis of the foregoing table, each region would receive proportionate shares of the 60 million acres as follows:

Region	Percentage	Acre in millions
(1) Arctic Slope	15	9.0
(2) Northwest	8	4.8
(3) Bering Strait	3	1.8
(4) Southwest	8	4.8
(5) Bristol Bay	5	3.0
(6) Interior	30	18.0
(7) Aleutian	5	3.0
(8) Kodiak	3	1.8
(9) Cook Inlet	5	3.0
(10) Copper River	5	3.0
(11) Gulf of Alaska	5	3.0
(12) Southeast	8	4.8
Total	100	60.0

(d) Each regional corporation should hold title to land allocated to its region. Land

selections should be limited to public land within each region with up to four townships (92,160 acres) being made contiguous to the villages within such region. The remaining acreage allocable to each region should be selected in non-contiguous tracts from public lands within the region. For purposes of land selection, public lands are defined as all federal lands and interests in Alaska, *except*: (1) land within the National Park System and (2) land selections of the State of Alaska which have been patented prior to January 17, 1969, under Section 6(g) of the Alaska Statehood Act as amended (72 Stat. 341, 77 Stat. 223).

(e) Regional corporations should have authority to convey to villages the surface estate to land upon which a village is situated and a reasonable amount for expansion if requested to do so by the village governing body. Title to the leaseable minerals, locatable minerals and renewable surface resources and to that portion of the surface estate not granted to villages, would remain with the regional corporation.

(f) To permit the greatest flexibility in land selection, the regional corporation should be allowed a period of five years from receipt of the initial \$8 million payment (see Section 7) to make their selections. During this period, the State of Alaska should be permitted to go ahead with selections under the Statehood Act, but tentative approval could not be given prior to the expiration of the five year period unless an affirmative showing is made that such approval would not conflict under any circumstances with possible regional corporation selections. No attempted appropriation under the public land laws, such as a homestead entry or mineral lease application, would be permitted during the five year period of Native and State selections. In the event the regional corporations do not select their full entitlement during the five year period, a second five year period should be allowed the regional corporations affected to make the remainder of their land selections. The State of Alaska, however, should be permitted to select its own land during the second five year period without being subject to a prior Native selection right. Additionally, Native selection rights during this latter period should take subject to any valid existing rights that may have arisen after expiration of the first five year period but prior to the Native selection.

(g) The entire yield from the land (i.e. all revenues resulting from the disposition of leaseable and locatable minerals, mineral materials, and renewable surface resources such as timber) should be shared between regions on the following basis: Fifty per cent of the yield as defined above should be retained by the region of origin. The remaining fifty per cent should be distributed to the other eleven regional corporations on a population proportion basis.

(h) The Secretary of the Interior should also issue to individual Natives patents to the surface estate of five and forty-acre tracts where Native applicants are able to establish a subsistence use, and up to sixty-acre tracts based on historic use and occupancy by individual Natives, to the surface estate of up to 160 acres for the primary residence of Natives, and to the surface estate of up to 2,560 acres for reindeer management.

#### 9. Allocation of Monetary Proceeds:

(a) The two primary sources of cash compensation to fund the settlement should be:

(1) \$500 million in federally appropriated funds, and  
(2) a 2% share in perpetuity of all revenues derived from the public lands [for definition, see Section 8(d)] through the disposition of locatable and leaseable minerals, mineral materials, and renewable surface resources.

#### 10. Existing Native Reserves:

(a) The land in all reserves in Alaska set aside by legislation or by executive or secre-

tarial order should be retained by the Natives and not be made available for State selection or other disposition, either of the surface or subsurface estate.

(b) The Annette Islands Reserve established by the Act of March 3, 1891 (26 Stat. 1101), and the tribal members thereof should be excluded from the terms of the Act.

#### 11. Protection of Subsistence Resources:

(a) Native subsistence use of public lands in Alaska should be protected. In determining whether to withdraw, reserve, lease or otherwise permit the use or occupancy of land that is being used by Natives for subsistence purposes, the Secretary of the Interior should be required to consider in consultation with the Natives concerned, alternatives that would eliminate or reduce the requirement for taking lands needed for subsistence uses.

(b) Subsistence uses should not be limited except to the extent that, after notice and opportunity for hearing in the general vicinity of the area involved, it is determined on the record by the head of the agency having jurisdiction that a limitation on the exercise of subsistence uses is necessary and can be accomplished without unreasonably impairing the ability of the Natives involved to satisfy their subsistence needs.

(c) For a period of twenty-five years after the Act's effective date, the Secretary, upon petition by any Alaska Native, should be required to determine whether an emergency exists with respect to the depletion of subsistence biotic resources and if so, to delimit or close the area for hunting, fishing or trapping purposes.

#### 12. Taxation:

(a) No portion of the monetary proceeds of the settlement [Section 9(a)] should be taxable, either to the regional corporations or to the villages or individual Natives.

(b) Lands confirmed in the regional corporations and villages should not be subject to State or local real property taxes for a period of fifty years from the Act's effective date.

#### 13. Attorneys Fees and Expenses:

Reasonable attorneys' fees and necessary out-of-pocket expenses earned the incurred by persons rendering services to Natives and Native villages, associations, tribes, bands or groups in connection with the settlement of Alaska Native land claims, should be paid out of the settlement proceeds on a quantum merit basis.

#### 14. Appropriations:

Sufficient funds should be appropriated to the Secretary of the Interior and to the Alaska Native Commission to carry out the duties required of them under the Act.

#### 15. Publications:

The Secretary of the Interior should issue and publish in the Federal Register, pursuant to the Administrative Procedures Act (5 U.S.C. 500 *et seq.*), such regulations as may be necessary to carry out the purposes of the Act.

Mr. HARRIS. Mr. President, I take this opportunity to commend the distinguished Senator from Massachusetts (Mr. KENNEDY) for his very skilled and determined interest in the matter of the settlement of the claims of the native peoples of Alaska. He has been there, viewed the problems at first hand, and personally heard for himself the views of those Alaskan natives who live there and whose interests are most at stake in this legislation. I am glad to be associated with him and with other Senators in helping to bring about, to the degree that we can, an equitable settlement of this age-old problem.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, the distinguished Senator from Oklahoma has brought to the attention of the Senate one of the most important and significant issues which will come before this body during the next few months, an issue which was debated briefly during the final days of the last session of Congress. I refer to the Alaska Native claim legislation.

I intend to join the distinguished Senator from Oklahoma in introducing legislation which I believe is essential if we are to provide for the Alaska Natives a land opportunity and a fairness and justice which I think these people, who have lived in that part of this country for many years, are richly due.

The Senator from Oklahoma has again eloquently stated the case for a just and equitable congressional settlement of the Alaska claims dispute. He has continued to show great dedication and commitment for the causes of the American Indian and Alaska Native.

The single most important element of a Native claim settlement is land. Over a year ago, I emphasized in a speech on the floor of the Senate what I regarded as the central feature in any fair settlement: the amount of land which will be confirmed in Native ownership. I join with the Senator from Oklahoma today in urging that the determination by the Alaska Natives of what they need to sustain themselves and secure themselves for the future be respected. We know that they are claiming over 300 million acres. We know that they are using between 80 and 100 million acres. We know that they are now asking for a settlement involving 60 million acres. We are dealing with Native land; we should respect Native wishes concerning that land.

In 1885, Helen Hunt Jackson, surveying the past hundred years of relations between American Indians and the Government of the United States, observed that we had generally mistreated Indians, had seldom kept our agreements with them, and could only look back on our efforts to deal with Indians as reflecting a dishonor on our Government. Her book was entitled "A Century of Dishonor."

It has been over a century now since the United States acquired Alaska from Russia. At that time, and in the Organic Act of 1884, the United States recognized Native rights to the land and Congress provided that the Natives—

shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them.

Congress postponed for future legislative action the matter of formally recognizing Native title to those lands. It is 1971, and Congress has yet to take action.

In approaching settlement of the land claims issue now, Congress will write the closing chapter of our century long relationship with the Alaska Natives. An Eskimo leader, Alaska State Senator

William Hensley, framed the issue this way:

We are testing the American political system. . . . We know the history of our country in dealing with the American Indian and we want to see a final chapter not written in blood or in deception or in injustice.

Last session, the Senate passed S. 1830, reintroduced this Congress as S. 35, that would grant Alaska's 60,000 Natives—20 percent of the State's population—title to 10 million acres of land. This is less than 3 percent of the lands to which they have a recognizable legal claim. As payment for extinguishing the rest of their claims, the Senate bill offered cash compensation amounting to \$1 billion in payments deferred over a number of years. Referring to the passage of the Senate bill last summer, the newsletter "Indian Affairs" observed:

On July 15 the U.S. Senate took an historic step toward solution of the century-old question of Alaska Native land rights—and it stumbled.

It stumbled, Mr. President, because the Senate bill would have allowed the Natives to keep only about one-tenth of the land they presently use for income and subsistence, and would have substituted an unlivable annual cash income for their right to subsist with some cash income by fishing, hunting, gathering berries, and trapping on the lands that the Senate bill would strip from them.

It stumbled because it refused to guarantee that Natives would control the five member commission charged with allocating and distributing the settlement.

It stumbled because it required termination of Federal services without any guarantee that those services would be picked up by the State or the Native villages or development corporation within the allotted time.

It stumbled by not providing full mineral interests for the Natives in all of the lands it reserved for their use.

In short, Mr. President, the bill passed last session would have been a fiasco and an economic disaster for the Natives. Its economic impact would have been similar to that referred to by President Hayes in 1876, when he said of the Indian inhabitants of North America:

The purchase money paid to them in some cases for what they called their own has still left them poor.

A billion dollar cash settlement may sound like a lot to many people, but then \$24 sounded like a lot for the Indians who sold Manhattan Island. Alaska Natives will not make that same mistake. Over a billion dollars have already been paid by oil companies in Alaska for the privilege of exploring small areas of the State for oil. Considering the natural resources beneath the tundra—beneath much of the land now claimed by the Natives—\$1 billion will seem little more than the beads, hand axes, trinkets, and blankets of the past. This cash settlement means little to Natives who will lose land rich in minerals. But more importantly money cannot compensate a people for giving up the land upon which their lives and culture depend.

The Natives of Alaska, unfortunately, have been at the bottom of the list of

Americans when it comes to education, housing, health, employment. But they are proud, and their pride in great part stems from their relationship to their land. If we take away their land, we not only take away the only chance for long-range material advancement, but we deprive them of their culture and their identity. As Mr. Alfred Ketzler, an Athabaskan Indian from Alaska, put it:

What is probably one of the most important things to us is that we have a deep instinctive feeling of helplessness as a people as long as we are cut off from the land. We are its children; we have emotional ties to it that we can never forget, even down into generations that no longer live in the old way. It is a basic part of our identity—it makes us feel who we are, and without it, we have been cut off and bewildered.

Mr. President, an Alaska claims settlement is not a welfare bill. It does not reflect generosity on the part of Congress in giving something to the Native people of Alaska. It is merely a compromise by both the United States and the Alaska Natives, in recognition that the legislative process is better suited to settling the claims dispute than the judicial process. The Alaska Natives are not a conquered people. They have never signed treaties. They have refused to sell lands. We must remember that it is Congress who is asking the Natives to give up a large part of their land. They are not asking us for money; they do not want to sell their land; they do not want to give up the land. If Natives do not receive what they now feel is the minimum necessary for subsistence and economic security—60 million acres of land—then we will not have merely driven a hard bargain. We will have won another Indian war. We will have completed a second century of dishonor.

Next week, Senator HARRIS and I will be introducing a bill to reflect the position of the Alaska Federation of Natives on the claims issue. This bill should be used as a benchmark for measuring the fairness and justice of Congress action in settling the Native claims dispute.

#### EXTENSION OF THE PERIOD FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business tomorrow, with statements therein limited to 3 minutes, may extend until such time as the able majority leader is recognized, under the previous order, prior to the vote on the treaty which is set for circa 1 p.m.

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

#### ORDER FOR ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM FEBRUARY 10 TO FEBRUARY 17, 1971, AND OF THE SENATE FROM FEBRUARY 11 TO FEBRUARY 17, 1971—CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Rep-

resentatives on House Concurrent Resolution 135.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate House Concurrent Resolution 135, which was read by the legislative clerk, as follows:

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 10, 1971, it stand adjourned until 12 o'clock meridian, Wednesday, February 17, 1971.*

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. BYRD of West Virginia. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On line 3, strike the word "it" and insert in lieu thereof "and that when the Senate adjourns on Thursday, February 11, 1971, they".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to. The concurrent resolution (H. Con. Res. 135), as amended, was agreed to, as follows:

H. CON. RES. 135

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 10, 1971, and that when the Senate adjourns on Thursday, February 11, 1971, they stand adjourned until 12 o'clock meridian, Wednesday, February 17, 1971.*

#### ORDER OF 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 legislative clerk proceeded to call the roll.

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

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

#### JUDGE ALBERT J. ENGEL: HUMILITY IN THE JUDICIARY

Mr. GRIFFIN. Mr. President, because there has been so much criticism of the judiciary in recent years, I believe it is particularly important to maintain an appropriate perspective by calling attention frequently to the basic greatness and fairness of our American judicial system and to the dedicated judges who serve in that system.

It was refreshing, but not surprising, when I recently read in the Grand Rapids Press an account of remarks by newly appointed U.S. District Court Judge for the Western District of Michigan, the Honorable Albert J. Engel, Jr., delivered after he was sworn in on January 29, 1971.

His statement reveals a deep sense of responsibility and humility which is, or should be, the hallmark of all judges—and, indeed, of all who hold public office. Judge Engel served as a State court judge for some 6 years before he was elevated to the Federal court.

I ask unanimous consent to have excerpts from Judge Engel's remarks printed in the RECORD.

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

EXCERPTS FROM ADDRESS OF JUDGE ENGEL

Turning now to the work to which I have today dedicated the balance of my life, I am still too inexperienced to make any profound or even knowledgeable comment—lest in the effort that instant wisdom which they say comes with the robe will evaporate when I open my mouth.

At this point, I can only hope.

I hope I can run an efficient, orderly court—a court which not only dispenses impartial justice, but which by its very functioning impresses the participants with its fairness and objectivity.

I hope I shall always be convinced that the most important case is the one immediately before me and that, therefore, it is deserving of my undivided and alert attention.

I hope I am never too tired, too lazy nor too confident of my own knowledge of the law to bother looking it up.

I hope I can curb my brilliant wit and sarcasm in court, remembering that a judge's words have great potential, both for healing and hurting.

I hope that I shall never forget my first day in court when I have before me a brand new lawyer going through the agonies of his.

I know it is too much to hope that my decisions are never reversed, so when they are, I hope I can remember that after all, those fellows up there have to earn a living too, and they might just possibly be a little wiser than I.

I hope that, in sentencing a man convicted of crime, I shall always be mindful of the public interest, but never lose respect for the awesome power over human life which is the responsibility of the judge.

I hope I shall have the strength to make the hard decisions and the composure to stick to them.

I hope that I shall never be so certain of my own rectitude and impartiality that I cease to search within myself for possible bias or prejudice.

I pray that when my judicial days are over, whether tomorrow morning or 30 years from now, it can be said of my service that it was sound and true, that it was a credit to the judicial system of the United States, and that in some small but measurable way I was able to contribute to the continuing betterment of human life and justice.

THE ROLLS-ROYCE BANKRUPTCY

Mr. PROXMIER. Mr. President, the continuing crisis of the Lockheed Corp. has been worsened by the bankruptcy of Rolls-Royce, Ltd., in England. Rolls-Royce has been producing the engines for Lockheed's commercial aircraft, the L-1011. Its collapse means further difficulties for Lockheed because of the time delays and increased costs it can anticipate with respect to this commercial project.

But what we know about the Rolls-Royce situation indicates that the British Government is not so easily enticed by its major corporations.

Indeed, Prime Minister Heath has made it clear, in permitting Rolls-Royce to be placed into receivership, that his Government has drawn the line and will not allow the British taxpayer to be billed for the costs of poor corporate management.

It is ironic that even Lockheed has drawn the line, with respect to its own contractor. According to the news accounts, Lockheed has refused to renegotiate its contract with Rolls-Royce, to absorb any of Rolls-Royce's cost overruns, or to extend the delivery schedule.

Apparently Lockheed will not permit Rolls-Royce to do to it what Lockheed is doing to the U.S. Government.

According to the dispatches from London, there are sources within the British Government which have proposed bailing out Rolls-Royce. This advice, however, appears to have been rejected by the more responsible officials.

According to Anthony Lewis, writing in the New York Times, February 7, 1971, in the view of Mr. Heath and his colleagues:

It is time for Britain to get over fantasies, to face the cold reality of modern economics, to know that bad management and soft thinking lead to failure.

Prime Minister Heath himself is reported as saying:

Governments must rid themselves of the illusion that you can find the way to prosperity by pouring out the taxpayers' money in perpetual subsidies for uneconomic ventures.

For the time being, the British Government seems to have made the hard and difficult decision that it would be better for a major aerospace contractor to go under because of its own mistakes than to rush to its aid with public funds. In the long run, it is probably assumed, the British Government, the aerospace industry, and the British economy will benefit from this decision.

Our own Government has been unable to face the cold reality of modern economics. Indeed, it is floundering from crisis to crisis, watching helplessly as the costs of its defense contracts rise precipitously, while delivery schedules are not met and technical performance falls below specifications.

In the case of Lockheed, the handshake between Pentagon and contractual officials barely grew cold before the Government was faced with a new crisis.

For the collapse of Rolls-Royce has once again raised to the surface the possibility of a similar collapse at Lockheed. Thus the newspapers report the spectacle of Prime Minister Heath and President Nixon discussing their mutual difficulties with major corporations.

Has the U.S. Government become so habituated to bailing out sick corporations that it will do the same for a foreign company?

We are witnessing, in my judgment, the unfolding of a major scandal. In the first place, the Government should not be in the business of bailing out corporations from their financial plights. Second, it would be irresponsible to dole out hundreds of millions of dollars to a sick defense contractor under circumstances that suggest that it might go under anyway.

My hope is that Congress can draw the

line, as the Heath government has, and that the Defense Department will not be allowed to so willfully disregard the public interest. I believe that Congress ought to refuse to appropriate any additional funds for Lockheed defense contracts in payment of cost overruns until full public disclosure is made of its finances.

I ask unanimous consent to have printed in the RECORD copies of recent news accounts of the Lockheed-Rolls-Royce situation.

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

[From the New York Times, Feb. 8, 1971]

HEATH FINDS A MORAL IN FAILURE OF ROLLS

(By Anthony Lewis)

LONDON.—“For too long much of our apparent prosperity has been based on illusions.”

Prime Minister Heath drew that lesson today from Rolls-Royce's fall into bankruptcy. He said the first thing for Britain to understand was that there is “no easy way” out of her economic difficulties.

Mr. Heath used the occasion of a speech to the National Conference of Young Conservatives in Eastbourne to spell out his almost puritan philosophy of hard work, self-reliance and refusal to compromise on principle.

He spoke sadly of the Rolls-Royce debacle and went on to urge the country to rid itself of illusions. Rolls-Royce, a British symbol of quality for automobiles and aircraft engines, declared bankruptcy on Thursday.

SUBSIDIES CRITICIZED

“Management must rid itself of the illusion that it can go on indefinitely running a business in conditions that don't pay,” Mr. Heath said.

“Unions must rid themselves of the illusion that they can go on indefinitely demanding higher wages without any concern for the effect on the firm or the industry, and without any regard to the prices its customers will have to pay.”

“Governments must rid themselves of the illusion that you can find the way to prosperity by pouring out the taxpayers' money in perpetual subsidies for uneconomic ventures.”

“All of us must rid ourselves of the illusion that we can buy our way out of the problems of today by mortgaging the future. It seems the easy way out—but we know now it is the fatal way.”

The reference to government subsidies was a criticism of Labor party tactics. While in government, Labor put money into failing shipbuilding and other ventures to keep them afloat. The Conservative Government, on the other hand, has promised not to bail out “lame ducks.”

COMMONS TO DEBATE BILL

Rolls-Royce was an extremely painful test of the Conservative attitude, because sticking to the policy meant allowing a national symbol of rectitude to default on its contracts and debts. Critics of the Government argue that the principle was not worth the damage done to the good commercial name of Britain.

The issues will be debated in the House of Commons this week when the Government's bill to nationalize part of Rolls-Royce is considered. Labor is likely to urge that the whole company be taken over, including the unprofitable RB-211 engine that was being developed for use in the Lockheed Aircraft Corporation's new Tristar Airbus and that forced the bankruptcy. The Government, however, will say no.

In his speech, Mr. Heath displayed an unyielding position on three other major issues: his effort to hold down wage increases with-

out statutory controls, his bill to reform labor-management relations and his plan to sell arms to South Africa.

"It may seem the easy way to have a compulsory wage freeze," he said, "but we know from experience that it does not work in the long run." He suggested that the wage explosion here recently had stemmed in part from union resentment of the Labor Government's wage freeze.

On the issue of labor-management relations, he said it might seem politic to give in to growing union pressure against his labor reform bill. But when the Labor Government did so and dropped an anti-strike measure, he charged, the unions demanded huge wage increases that fueled the inflation.

[From the New York Times, Feb. 8, 1971]

**COSTS ADDED UP IN ROLLS'S STEP—FATE OF THE RB-211 AIRCRAFT ENGINE IS STILL UNCERTAIN**

(By John M. Lee)

LONDON.—With the fate of the disastrously costly Rolls-Royce RB-211 aircraft engine still undecided, British business is adding up the cost of the company's bankruptcy.

Technical experts are conducting their own post mortem on what appears to have been as much a technological as a management failure. The problems of a new-technology engine using an unproved carbon-fiber material, which later had to be abandoned, produced overwhelming costs.

[Prime Minister Heath draws a lesson for Britons from the Rolls-Royce debacle. Details on Page 3.]

The collapse of Rolls-Royce, Ltd., last Thursday was the biggest and most spectacular financial crash in living British memory. Europe had seen nothing like it since the fall of the House of Krupp.

Some financial experts are talking in terms of cash losses ranging up to \$600-million, including the losses and possible bankruptcies of some subcontractors. But much depends on what the British Government pays to acquire the aircraft engine business and whether the RB-211, intended for the Lockheed Aircraft Corporation's Tristar jet, is continued.

The last balance sheet published by Rolls-Royce, for the year ended Dec. 31, 1969, showed principal liabilities totaling \$622-million.

These principal items were \$135.8-million in debentures and loan stock; \$48.5-million in deferred liabilities; \$89-million in bank loans; \$41-million in acceptances; \$149-million in debts to trade creditors, and \$159-million in share capital including \$6-million in a special issue for employee participation.

The 70,000 common stock-holders widely spread among insurance companies, pension funds and individuals, are the worst off. Their holdings are assumed to be worthless.

By far the largest private holder is the Prudential Assurance Company, London, with a \$6.8-million par value holding out of \$153-million in common share capital. The next largest holder is Britannic Assurance, with a \$1.9-million par value investment.

Under a deal arranged last May for a Government agency, the Industrial Reorganization Corporation, to supply \$24-million in financing, the Government acquired just under a 12 per cent equity interest in the big aerospace and automotive company.

When the stock was suspended Thursday morning on the London Stock Exchange, the price was seven shillings and sixpence, or 90 cents. Some dealers said Friday they would buy at 30 cents and sell at 33 cents if allowed to trade.

The distribution of the bank loans is not known exactly, although the Midland Bank and Lloyds Bank are the joint bankers to Rolls-Royce. It is believed they hold the larg-

est part of the \$89-million in bank loans outstanding.

Of far more worrisome importance is the backwash of the Rolls-Royce collapse on the companies it was doing business with.

The Bank of England has announced it would relax its credit squeeze if necessary to allow banks to assist companies hit by the Rolls collapse. However, it appears that such assistance would be extended only if the financial damage were relatively small. Otherwise, the banks would find themselves extending funds to companies near bankruptcy themselves.

The Bank of England said it believed potential banking losses were spread wide enough across the banking system so that they could be absorbed without serious difficulty.

However, the impact of the Rolls bankruptcy on the 100-odd companies owed \$149-million could not be gauged.

The two companies most affected by the Rolls failure are Short Brothers & Harland, an aerospace concern employing 6,000 in Belfast, Northern Ireland, and Joseph Lucas, a major manufacturer of electrical components.

Short Brothers makes the "pods" and associated system that are fitted to the basic RB-211 engine to make up the "propulsion package." The engines are shipped from Derby, England, to Belfast and then to Palmdale, Calif.

Joseph Lucas, which is owed \$17-million by Rolls, has been a big supplier of fuel engine control systems. Last year it spent more than \$11-million on development work for the RB-211. Over the weekend the company said it would have to write off \$13-million against profits if the engine were canceled.

The cash resources available to meet these various claims is in doubt. The first claim is held by owners of the five parent-company debenture issues, plus a small issue in Canada, totaling \$132 million.

Any Lockheed claim for penalties on the engine would come far down the list.

The situation is confused since Rolls-Royce, Ltd., is not being liquidated but continued under Government ownership. What the Government proposes to pay is not yet clear.

[From the New York Times, Feb. 7, 1971]

**BRITAIN: DEATH SENTENCE FOR SYMBOL OF NATIONAL PRIDE**

(By Anthony Lewis)

LONDON.—On March 30, 1968, British newspapers headlined the story of the country's greatest export sale in history: A contract won by Rolls-Royce to supply a new engine, the RB-211, for the Lockheed Aircraft Corporation's new Tri-Star jet. The initial order was for 540 engines—and there could be hundreds more—with sales worth perhaps \$2.5-billion.

David Huddle, the Rolls engineer who won the order, was knighted, and the whole affair was hailed as proof that Britain could still hold her own alone in the toughest league. The Daily Express, in its best jingo manner, wrote: "The triumph of Rolls-Royce is a marvelous tribute to our outstanding British design and manufacture . . ."

Last week, that dream came to a shattering end. Rolls-Royce, the maker of fine automobiles as well as jet engines, and a symbol of perfection and solidity in British engineering, went into bankruptcy. And the reason was the Lockheed contract.

As pictured by official sources here, just about everything imaginable was wrong with the deal to make the RB-211 engine. Technology, time, money: Every forecast was off.

The contract estimate was based on a new Rolls-Royce process for making turbine blades from pressed carbon. Those blades turned out to shatter too easily, as when a

bird was sucked into the jet, so Rolls had to shift to more expensive titanium. But that was only a small part of the disaster.

Production-line engines were promised to Lockheed by the fall of this year, but not one has yet come off the line that meets the contract's specifications. Delivery could not start until at least six to 12 months after the due date. Contractual penalties for the delay might reach \$700-million.

The launching cost was supposed to be \$156-million, and the British Government put that up. Last November, that estimate was more than doubled, to \$324-million. And that turned out to be \$200-million short.

Meanwhile, inflation overtook the production cost. The price fixed for each of those 540 engines in the Lockheed contract was \$840,000; the cost estimate rose to \$1,104,000, a loss of \$264,000 on every one.

Rolls asked the new Conservative Government for more launching aid last fall. The answer was a conditional yes, the condition being an inspection by independent auditors. The auditors looked, they told the Rolls board of directors, and suddenly the company's own chiefs came face to face with the reality that had been concealed from them.

#### INSTANT EXECUTION

Last week, it was up to Prime Minister Edward Heath and his Government again. This time, they said no. It was a death sentence that was instantly executed.

The Government moved in to rescue what it thought had to be saved: Rolls' production of spare parts and engines for the hundreds of planes and military machines operating on Rolls equipment all over the world. Reluctantly, as Tories, they announced they would nationalize those Rolls activities. The rest, including Rolls-Royce automobiles and the RB-211, was up to the receiver.

"We were completely surprised and appalled," said Daniel Haughton, chairman of Lockheed. He was not the only one. Within Britain and without, the impact of the country's biggest bankruptcy since World War II was immense.

The partial nationalization of the company did not conceal the fact that the British Government had deliberately decided to let this symbol of national pride be dragged into the mud. Some thoughtful men criticized that step as senseless butchery. It would have been worth the price, they suggested, to bail the company out of its foolish Lockheed contract with more money—and try to get some out of the Americans, too.

But Mr. Heath and his colleagues felt very much the other way. In their view, it is time for Britain to get over fantasies, to face the cold reality of modern economics, to know that bad management and soft thinking lead to failure.

Politically, the country is in for a long and nasty fight. The Labor opposition will doubtless attack the Government as harsh and hasty. But it is vulnerable to Tory attack because, in the Labor Government, it was Anthony Wedgwood Benn, the Minister of Technology, who made fatuous speeches about the glories of this contract.

In human terms here, the pain is terrible. Rolls employs 80,000 people, and a good quarter of those have been working on the RB-211 alone. Derby, a grim industrial outpost of the midlands, is a Rolls-Royce town as Seattle is Boeing, and the outlook is similarly miserable.

The repercussions on the United States will be damaging, too. Lockheed has been having terrible troubles of its own, and the TriStar has been its main commercial hope. Now, suddenly, it is without engines for all those planes the airlines have ordered, and without much hope of recovering penalties or damages from a bankrupt supplier. It can try to use General Electric or Pratt & Whitney engines instead, but it will take more time to adapt and produce them.

The possibility remains of an Anglo-American deal to refinance the RB-211, for the mutual benefit of Rolls and Lockheed. But the Heath Government's actions in coldly letting Rolls go under shows that any extra money now will have to come from Washington.

[From the New York Times, Feb. 6, 1971]

#### HARD TALKS LOOM ON ROLLS'S ENGINE

(By Anthony Lewis)

LONDON.—Prime Minister Heath telephoned President Nixon Wednesday night to give him the news that Rolls-Royce, Ltd., would go into bankruptcy the next morning.

The call, made known here today, indicates the potential impact of the Rolls collapse on both Britain and the United States. And it became clear today that the call was not an end but a prelude to difficult negotiations between the two countries.

The issue is the fate of Rolls's RB-211 jet engine, intended to power the Lockheed Aircraft Corporation's Tristar. The contract proved impossible for Rolls to fulfill and was the main factor in forcing the company into receivership.

The first effect of the bankruptcy was to stop work on the RB-211. But British sources today saw some chance of saving the engine—if Lockheed and the American Government are ready to come up with money. That is the difficult if.

#### CABINET'S DECISION

Ironically, the Heath Government's decision to let Rolls go bankrupt may greatly strengthen the British hand in negotiations. The Cabinet considered the bargaining posture and made its decision with that calculatedly in mind.

This is the rather ruthless logic of the situation as seen here:

Before the bankruptcy, Rolls was contractually bound to start delivering production-model engines to Lockheed next fall. It was going to run at least six to 12 months behind that schedule.

Under the contract, the delay subjected Rolls to heavy penalties. Lockheed could have claimed as much as \$700-million.

Moreover, even putting aside vast increases in development costs, inflation had pushed up the production cost so that Rolls stood to lose \$264,000 on each engine produced at the contract price. For 540 engines ordered, that would have been a total of \$142,560,000.

Now, after the bankruptcy, Rolls has effectively broken the contract. Lockheed can get its penalties or damages only by claiming some of the assets realized by the receiver, and its claim will come long after those of suppliers and bondholders. In fact, Lockheed may get nothing.

#### WASHINGTON INVOLVED

One wry observer, looking at the prospects for a negotiation over the RB-211, said here today, "Britain has set the bargaining terms herself—by repudiating her obligations before dealing."

The Economist, in today's issue, commented that the bankruptcy had done "appalling damage to Britain's commercial reputation." But in hard-boiled negotiating terms, the magazine said, the tables may "have been turned on the traditionally tough men of American aviation."

President Nixon and his Administration have to be involved as well as Lockheed. The Administration has just agreed to one rescue plan for Lockheed, and any move to keep the RB-211 engine now would almost certainly require more Federal aid.

The Tristar is Lockheed's one big commercial project now going, its hope for profitability. If the United States Government wants to keep the company going for defense reasons, it probably cannot let the Tristar be abandoned.

Lockheed is exploring the possibility of using General Electric or Pratt & Whitney engines instead. The question is whether they could be ready sooner, and at less cost for engines and airframe modifications, than the RB-211 with all its troubles.

Those are some of the issues that will have to be explored in talks among the four parties—the two Governments, Lockheed and the receiver for Rolls-Royce.

#### VIEWPOINTS VARY

One report from Washington, published here today, had a White House aide taking an optimistic line on the chances of early agreement. British sources saw a long and difficult road ahead.

President Nixon had been told about the urgent problems of Rolls and the RB-211 before the Wednesday night phone call. Mr. Heath telephoned him then, in the middle of a Cabinet meeting on the matter to tell him at once of the decision to let the company fall. He did so really as a courtesy.

The President was very understanding. It was said here today, He took the line that it was bad news for both countries and that the Governments must keep in touch to try to work something out.

The Heath Government disclosed today that it would put before Parliament next Thursday its bill to nationalize the parts of Rolls-Royce considered essential to the national interest. That does not include the RB-211.

The bill will be debated on a speeded-up basis, so that the new nationalized company will not lose continuity. But there is a possibility that the Labor opposition will object to any rushed consideration or to the terms.

#### PROFITABLE DIVISION

The Rolls-Royce receiver, E. Rupert Nicholson, said today that he was not there "to wind up the company—my aim is to run and preserve the essential and profitable parts of the business."

There was already some talk about possible buyers for the prestigious car division of Rolls-Royce.

This division has accounted for only about 5 per cent of the company's business, but the company is said to have made a profit on its annual sales of 2,000 Rolls-Royce and Bentley cars.

One possible take-over bidder is Jensen, a specialty British automobile company that turns out 800 sports cars a year. It was taken over last year by Norwegian-born Kjell Qvale, who now lives in California. He said today that he might be interested.

The most logical company to make Rolls-Royce cars would probably be British Leyland, the last big British-owned car manufacturer. But it has had troubles of its own lately.

In any event, it seems unlikely that the Rolls car division would be sold to a foreign-controlled company. That excludes another conceivable bidder, Ford of Britain.

[From the New York Times, Feb. 5, 1971]

#### LOCKHEED SEEKS U.S. ENGINE NOW

(By Robert Lindsey)

The Lockheed Aircraft Corporation, its once acclaimed trans-Atlantic industrial marriage with Rolls-Royce suddenly torn asunder in London, said yesterday it would explore the possibility of buying a United States-built engine for its Tristar jetliner.

Seventeen of the three-engine L-1011 Tristars are in various stages of assembly at a Lockheed plant in Palmdale, Calif. Only 13 of the Rolls-Royce RB-211 engines, none meeting contractual performance specifications, have been delivered to Lockheed.

The abrupt disavowal of the present engine contract by the British Government appears certain to cause major delays in delivery of the 178 L-1011's that Lockheed has on order. Ten of the planes are scheduled to be delivered this year, the first in

November to Eastern Airlines, which has ordered a total of 50, and Trans World Airlines, which has ordered 44.

#### PROBLEM OF COSTS

People in the aircraft industry estimated that re-tooling to make such a switch could cost Lockheed as much as \$100-million, a sum of the company would be hard put to raise now without some form of Government aid.

Spokesmen at the troubled California aerospace company said its management hoped a way could be found to continue production of the Rolls-Royce RB-211 engine designed for the plane.

But they conceded this was highly unlikely to occur unless the engine-production contract was renegotiated with receivers of Rolls-Royce to provide payment of most of the production-cost increase of more than \$140-million cited by the British Government yesterday. The Government said the 540 engines that Rolls-Royce had agreed to sell to Lockheed for \$840,000 apiece would actually cost \$1,104,000 to make.

Government and industry sources said that there seemed virtually no possibility Lockheed could pass on the added cost to its airline customers so that the only possibility—if the RB-211 production was to continue—would be some form of Government aid, British or American.

#### CHAIRMAN IN LONDON

Daniel J. Haughton, chairman of Lockheed, was in London yesterday conferring with Rolls-Royce and American and British Government officials about the situation.

In Burbank, Calif., Lockheed issued a statement in Mr. Haughton's name saying that the company had not learned "the full gravity" of Rolls' problems until Tuesday, when its representatives went to London for a previously scheduled meeting to discuss progress of the project.

"We have been aware of the technical, funding and schedule difficulties that we had been assured could be solved without major impact on the total program," the statement said. "But we were completely surprised and appalled at the precipitate decision made by the Rolls-Royce board of directors and the sudden withdrawal of the British Government's financial support."

#### DISCUSSIONS PURSUED

Mr. Haughton added that the current discussions would "determine whether it is feasible to continue" the RB-211 program. He said, "Our studies will include examination of alternate engines that are available for the 1011. We will make and announce our decisions as soon as possible."

Lockheed has two choices: the General Electric CF-6 engine (which powers the new McDonnell Douglas DC-10), and the Pratt & Whitney JT9D engine (which is used in the Boeing 747). Both engines are in the same class (more than 40,000 pounds of thrust) as the RB-211. With certain modifications to the Tristar airframe, they could be used to power the Lockheed plane.

However, industry experts have estimated it would probably cost from \$75-million to \$100-million for retooling and other steps Lockheed would have to take to adopt one of these engines for the L-1011. Also, since both engines cost upwards of \$100,000 apiece more than the contract price for the Rolls-Royce power plant, the out-the-door production cost of the L-1011 would go up accordingly.

Officially, both engines' manufacturers declined comment on the Rolls-Royce situation yesterday. Privately, officials at both companies indicated that they would be eager to produce engines for the Lockheed plane. Both companies competed for the original contract with Lockheed in 1968 before Rolls-Royce, in a deal that was heralded on both sides of the Atlantic as a coup for British salesmanship wrapped it up.

[From the New York Times, Feb. 5, 1971]  
**ROLLS-ROYCE MOVE MAY HURT LOCKHEED  
 RESCUE**

(By Neil Sheehan)

WASHINGTON.—The announcement by Rolls-Royce, Ltd., that it cannot proceed with production of engines for the Lockheed Aircraft Corporation's new Tristar civil airliner could threaten to unravel the Nixon Administration's plan to rescue Lockheed from possible bankruptcy. This was the consensus of comment by Administration and aerospace industry officials today.

After 17 months of negotiations, Lockheed agreed Monday to a Defense Department demand that it take a \$200-million loss on the giant C-5A Galaxy transport it is building for the Air Force as the price for financial salvation.

Now it is felt that all the repercussions of a Lockheed bankruptcy, which the Administration has been laboring to avoid, could threaten again because of the financial collapse of Britain's leading aircraft-engine maker.

#### OFFICIAL'S VIEWPOINT

David Packard, the Deputy Secretary of Defense who has been overseeing the Administration's rescue of Lockheed, has repeatedly asserted that these potential consequences cannot be tolerated. He predicted a chain reaction throughout the interlocked aerospace industry and on the banks that provide hundreds of millions of dollars in credit. Other officials have spoken of the possible impact on the commercial airlines and on unemployment in California and other aerospace manufacturing areas.

Mr. Packard's plan to rescue Lockheed has been based on the assumption that if the Government provided sufficient funds to keep the company's military production going, the commercial banks would extend enough additional credit to make Lockheed's principal commercial venture, the new L-1011 Tristar jet airbus, a success and thereby assure continued solvency.

#### NOW, A NEW FACTOR

The possibility that this assumption might be undercut by a collapse of Rolls-Royce and the aborting of its contract with Lockheed to provide engines for the Tristar apparently had not been considered.

The Administration has not known the full extent of Rolls-Royce's technical and financial troubles over the engine contract, and there has been an implicit assumption that the British Government and banks would see Rolls-Royce through its difficulties.

The collapse of Rolls-Royce, with its potential threat to the plan to rescue Lockheed, thus came as a surprise to Administration officials.

Mr. Packard is said to have first learned of it at the Pentagon on Tuesday from Leonard Williams, an under secretary in Britain's Ministry of Aviation Supply.

Mr. Williams had flown to Washington to warn the Administration that today's announcement by Rolls and the British Government would be forthcoming. Mr. Leonard apparently will also participate in the negotiations between the two Governments over the consequences of the Rolls-Royce collapse.

He is understood to have assured Mr. Packard that the British Government would honor Rolls-Royce's military production commitments to the United States, such as the squadron of carrier vertical-takeoff-and-landing aircraft the Marines have purchased, but would make no commitments to salvage the Rolls engine contract with Lockheed.

[From the Washington Post, Feb. 5, 1971]  
**ROLLS COLLAPSE JOLTS LOCKHEED**

(By Robert J. Samuelson)

The Lockheed Aircraft Corp. said yesterday it was "completely surprised and ap-

palled" by the abrupt insolvency of the Rolls-Royce Corp., the engine manufacturer for Lockheed's L-1011 jumbo jet aircraft.

At best, analysts said, Rolls-Royce's collapse would have a severe "psychological impact" on the L-1011 program, discouraging any new airlines from selecting the Lockheed plane over its chief rival, the McDonnell-Douglas DC-10.

At worst, Rolls-Royce's problems could cause a major delay in the deliveries of the L-1011, inflating Lockheed's own costs and jeopardizing commitments for vital new loans to the company, analysts speculated.

For more than a year, Lockheed has grappled with financial problems stemming from both the L-1011 and contract disagreements with the government over the C-5A military transport. That dispute was recently settled, with Lockheed receiving funds to complete 81 planes and then being required to repay \$200 million (i.e. imposing on the company a \$200 million loss).

The L-1011 has already fared poorly by comparison with the DC-10; against more than 230 orders for the DC-10, only 178 orders have been received for the Lockheed plane—and some of those are sales to a foreign holding company, which has yet to resell all its 50 planes to airlines.

Moreover, a key element in a financing package designed to replenish Lockheed's working capital involves a \$100 million acceleration in so-called "progress" payments made by airlines for orders of the L-1011.

In a recent speech to the Press Club, Charles Tillinghast, chairman of Trans World Airlines, which has 33 orders for the L-1011, implied that the new "progress" payments had yet to be disbursed to Lockheed. The airlines will make the payments, he said, from bank loans. The banks are also providing Lockheed with additional credit and—if the L-1011 program appears to be in danger—the bankers might conceivably consider delaying or renegotiating the loans.

What remained unclear last night, from both reports here and in London, was the prospect of Rolls-Royce continuing with production of the RB-111 (the engine for the L-1011) as a government-controlled corporation.

In a statement, Eastern Airlines, which has a firm order for 37 L-1011s, said: "Our best counsel is that the RB-111 and the L-1011 will continue in production."

In its own statement, however, Lockheed sounded considerably more gloomy. It said Rolls-Royce appeared to "repudiate" its contract with Lockheed.

"Further discussions will be held with the receiver (appointed to oversee Rolls-Royce conversion to a government-owned corporation), Rolls-Royce officials, and members of the British government to determine whether it is feasible to continue with the RB-211 program," the statement said.

Even if Rolls-Royce were to withdraw, the L-1011 would not necessarily be doomed. Both Pratt & Whitney and General Electric make engines that could be adapted to the Lockheed plane. Although both firms declined formal comment, one GE official said of his company's jet engine that is used for the DC-10:

"The engine would not have to undergo major overhauls . . . There would have to be some minor changes in the structural mounts of the L-1011, but that's all."

[From the Washington Post, Feb. 6, 1971]

**ROLLS-ROYCE FAILS; PART NATIONALIZED**

(By Alfred Friendly)

LONDON, February 4.—The Rolls-Royce corporation, for half a century Britain's proudest industrial achievement, went into receivership today, and the government announced it would nationalize most of the company's operating divisions.

The Minister of Aviation Supply, Freder-

ick Corfield, disclosed to a tense House of Commons that the government would have urgent discussions with the American government and the Lockheed Corp. on the future of the RB-211 jet engine. It was the attempted manufacture of the engine that brought on the collapse of Rolls-Royce, whose luxury automobile is renowned throughout the world.

The British government is not, however, taking over the division concerned with that engine and assumes no responsibility for it or the Lockheed contract.

Its acquisition, at a price to be fixed with the receiver for the bondholders' interests, is of the company's other airplane engine, marine and industrial gas turbine divisions.

The move was made because they are considered essential for national defense. The entire British air force and almost all of the country's commercial planes—plus those of more than 100 airlines in 32 other countries—are powered by Rolls-Royce engines.

The announcement of the takeover was ironic since the Conservative government elected last June seeks denationalization of state-owned industries. To be forced to take possession of another is a bitter pill.

The reverberations shook the stock market—where trading in Rolls-Royce shares was instantly suspended.

The blow to British pride, already badly shaken by years of lagging development and economic catastrophes, is by its nature unquantifiable, but psychically enormous. Since the firm's founding in 1907, "Rolls" has stood for the finest in craftsmanship and quality.

The appointment of a receiver for the company throws into question the continued employment of its 80,000 workers, especially the 20,000 working on the RB-211 engine, the production of which will presumably be halted at once. There may be a stoppage of all other production too, but if so it will probably be temporary. The manufacture of the high-priced luxury automobile (that division is not to be acquired by the government) is said to be profitable and there also seems to be nothing seriously wrong with its Bristol and other aircraft engine, turbine and gas-powered pump operations.

But the RB-211 is in such dreadful shape that the manufacture of every engine, now six to 12 months behind schedule, will cost \$264,000 more than its contracted selling price to Lockheed for the Tri-Star commercial air-bus. And this does not count huge "launching"—i.e. development and capital—costs or penalties for late delivery.

When the contract was made last November it was hailed as a great British triumph, testifying to the country's pre-eminence in quality manufacturing.

Some of the extent and anatomy of the company's troubles, now known to have been brewing for more than two years, were disclosed today. According to an official source, they stemmed from gross and grievous errors of judgment in top management on the financial conditions of the Lockheed contract. The price was impossibly low and the time scheduled for development and production impossibly short. Additional but much lesser difficulties were technical ones, especially a failure of carbon-fiber blades for the turbines.

Some 540 engines had been contracted for, at \$840,000 each.

That Rolls-Royce was in bad shape was indicated last November when, after consultation and the installation of a government nominee as chairman, the government agreed to bolster its finances with a \$104.8 million state loan and \$43 million from private bank lenders.

A firm of accountants was put in to examine the state of the company's affairs. What it discovered was shattering news to the company's own directors and such as to prevent the loans from being made.

Advised of the situation, with its frighten-

ing implications for the Royal Air Force, the cabinet met in urgent sessions last Friday, Monday and again yesterday, when the decision to take over most of the company and set up a new private stock corporation, fully owned by the state, was taken.

Intensive discussions have been going on for the last few days by Rolls-Royce and British government officials with Lockheed and the U.S. government, but they have apparently been fruitless. Information here suggests Lockheed declined to make new terms, extend delivery times or even give firm figures on what late-delivery penalties it proposed to exact.

[From the Washington Post, Feb. 6, 1971]

**ROLLS CRISIS PLACES LOCKHEED IN SQUEEZE; AIRCRAFT FIRM SEEN NEEDING FRESH FUNDS**

(By Robert J. Samuelson)

A group of 24 banks apparently now holds the key to the fate of the troubled Lockheed Aircraft Corporation.

Unless Lockheed receives a new infusion of credit it may soon face the threat of insolvency that hit its British partner, Rolls-Royce, according to Defense Department officials familiar with Lockheed's financial condition.

Rolls-Royce, the British engine manufacturer for Lockheed's L-1011 commercial jumbo jet, placed itself in the hands of a receiver on Wednesday, repudiating its contract with Lockheed.

There were rumors that the British expected either Lockheed or the U.S. government to provide additional funds to finance the skyrocketing cost of the jet engines (the RB-211) if production were to continue.

According to government sources in London, British Prime Minister Edward Heath telephoned President Nixon Wednesday evening and discussed the Rolls-Royce situation for about 15 minutes. Heath received no pledges of American financial assistance, these sources indicated; White House press Secretary Ronald L. Ziegler declined comment on the report yesterday.

Before Rolls' announcement of insolvency, a consortium of 24 major U.S. banks had tentatively agreed to advance Lockheed \$150 million in addition to the \$350 million the banks have already committed to the company. Yesterday, Fred J. Leary, senior vice-president of Bankers Trust Co., the "lead" bank in the consortium, issued a statement indicating that the banks might not honor their original commitment:

"Although the Rolls-Royce development creates a new set of financing problems, it does not lessen our determination to help develop solutions. We intend to continue working with the parties concerned so long as we feel there is any possibility of ultimate resolution."

Without additional funds, however, Lockheed will face a severe cash squeeze within six weeks, informed sources said.

In addition to the \$150 million directly from the 24-bank consortium, the banks also had agreed to provide credit to three major airline customers for the L-1011—Eastern, Trans World, and Delta—to make \$100 million more in advanced "progress" payments to Lockheed.

Originally, the loans had been conditioned primarily on a satisfactory settlement of Lockheed's contract disputes with the Pentagon over the giant C-5A transport. On Monday, Daniel Houghton, Lockheed chairman, had accepted the Defense Department proposal to fund development of the C-5A, with a commitment to repay \$100 million to the government. (With Lockheed's investment of \$100 million in the transport, the firm's ultimate loss would have been \$200 million.)

Rolls-Royce was forced into receivership by a precipitous rise in the costs of the RB-211. The original set of three engines for one L-1011 was to cost about \$2.5 million,

but, in London, the government said that the actual costs were running at least \$700,000 more than that figure.

In Britain, Frederick Corfield, Aviation Supply Minister, said "it's just possible Lockheed may be able to come forward with terms on which it would make sense to go on with this engine." That apparently would mean that either Lockheed or its customer airlines—or both—would have to absorb costs above their original contract prices.

It remained unclear whether the airlines would be amenable to a change. Eastern, which has the largest order of L-1011s with 37, said "our confidence continues in the future of the L-1011 program with Rolls-Royce engines."

Nevertheless, Eastern added that it is considering the possibility of buying or using more extensively either the Boeing 747 or the McDonnell-Douglas DC-10, other "jumbo" rivals of the L-1011.

Lockheed could also adopt the L-1011 to a new engine, either from General Electric, the supplier for the DC-10, or Pratt & Whitney, the supplier for the Boeing 747. Any shift, however, would probably entail additional costs and delivery delays.

All the airlines with L-1011 orders already have made substantial "progress" payments for the L-1011. Eastern said its outlay amounted to more than \$70 million, and one knowledgeable source estimated the total for all airlines "around \$200 million."

Another possible source of funds would be the government—either through a direct injection of cash or a Treasury bank loan guarantee.

A Defense Department official said he did not see how the Pentagon could advance funds to Lockheed (the nation's largest defense contractor) for a commercial project; at the Treasury Department, another official said he knew of no new proposal made for the government to underwrite Lockheed.

[From the New York Times, Feb. 5, 1971]

**ROLLS-ROYCE IS BANKRUPT—BLAMES LOCKHEED PROJECT**

(By John M. Lee)

LONDON, February 4.—Rolls-Royce, Ltd., Britain's quality symbol for fine automobiles and sophisticated jet engines, declared bankruptcy today. The public reacted with consternation and politicians called it "a major national tragedy."

The company put the blame for its collapse on the huge losses incurred in developing the engine for the Lockheed Aircraft Corporation's new Telstar airbus. Rolls said it could not proceed with the engine under the present fixed-price contract.

The Conservative Government quickly announced it would acquire and maintain those Rolls engine operations it considered vital for national defense, joint military programs with other countries and air forces and civil airlines around the world.

But the Government left open the question of the ill-fated Rolls aircraft engine, known as the RB-211, and said it would explore its future with the Rolls receiver. At the same time, the Government recognized the damage to Britain's commercial reputation and the possibility of a huge lawsuit by Lockheed.

[In Washington the consensus of comment was that Rolls-Royce's move could threaten to unravel the Administration's plan to rescue Lockheed from possible bankruptcy. Lockheed said it would see if it could buy an American-built engine for the Tristar. Details and other related stories on Page 41.]

Frederick Corfield, Minister of Aviation Supply, speaking to a stunned House of Commons, said, "Because of the very grave consequences which must follow the decision of the Rolls-Royce board, the Government is also undertaking urgent discussions with the Lockheed Corporation and with the United States Government."

However, Mr. Corfield emphasized that the Government itself had no liability in the contract between Rolls-Royce and Lockheed.

Government officials made it clear later that work would be continued on the Olympus 593 engine being built by Rolls to power the British-French supersonic Concorde jet. All aircraft engine projects, except the RB-211, will be continued, the officials said. Continuation of the RB-211 was rated "A long shot" by one spokesman.

Mr. Corfield made no mention of Rolls' famed, although relatively small, automobile division, producer of \$20,000 prestige cars. It appeared likely that this profitable operation would be sold by the receiver to private enterprise.

The Rolls-Royce collapse created acute political and commercial embarrassment.

**ACTION BY GOVERNMENT**

The Conservative Government, which has been proceeding with great flourish to denationalize minor Government interests, such as a few hundred pubs and the Thomas Cook & Son travel business, was forced to extend Government ownership to salvage the vital engine business.

The Government said it would introduce legislation early next week to acquire "such assets of the aero-engine and marine and industrial gas turbine engine divisions of the company as may be essential" for defense and general aviation purposes.

However, Mr. Corfield gave the impression that the Government, which has eschewed support for "lame duck" industries, had rejected further open-end commitments to Rolls and had accepted receivership as the lesser evil.

**COSTS DESCRIBED**

The Minister told the House that a further Government investment equivalent to \$360-million would have been required to put the new engine into production.

He also said the cost of each engine had exceeded the contract price (estimated at \$800,000) by \$264,000. Rolls at one time was predicting sales of 600 or 700 engines. The more it sold, the more it would lose.

In addition, Rolls was expecting to incur financial penalties for late delivery, estimated at six to 12 months.

"The loss of resources already committed with the losses which will arise upon termination are such a scale on," Rolls-Royce said in a statement, "that they are likely to exceed the net tangible assets of the company."

**GASPS IN PARLIAMENT**

"I never in my wildest dreams, or nightmares, expected anything like this," Mr. Corfield told the House.

There were gasps, low whistles and murmurs of astonishment among the packed members of Parliament as Mr. Corfield outlined the dimensions of the disaster. Many members expressed concern for the future of Rolls' 80,000 employees and for the subcontractors dependent upon Rolls business.

Anthony Wedgwood Benn, Minister of Technology in the former Labor Government, called the collapse "a major national tragedy for this country, a grave blow to confidence in this country." However, Mr. Benn will be at the center of the coming political debate as the minister who encouraged Rolls to seek the Lockheed contract and provided major Government financial aid.

**POPULARITY OF AUTOS**

Rolls-Royce is one of the world's leading aircraft engine makers, ranking alongside General Electric and Pratt & Whitney of the United States. But Rolls-Royce has achieved popular recognition with its expensive and classically styled cars, distinguished by the winged figure and double-R symbol atop the boxy grill.

About 2,000 Rolls cars are made each year, and most are sold in the United States. There is a waiting list in London 18 months long. The Silver Shadow sells in Britain at

just under \$24,000. For more expensive tastes, the Park Ward Phantom IV is priced here at \$35,000.

More importantly, Rolls-Royce is the heart of the British aircraft industry and is a major part of virtually every European aircraft project.

Almost every aircraft in the Royal Air Force is powered by Rolls-Royce engines and dependent upon Rolls for spare parts. Rolls engines are used in military and civil aircraft in more than 100 countries.

The Comet, the Trident and the British Aircraft Corporation's 111 all use Rolls engines. Rolls is to provide the engine not only for the Concorde but also for the British-French Jaguar fighter and for the Multi-Role combat aircraft with West Germany.

The automobile business accounted for only about 5 per cent of Rolls-Royce's 1969 sales of \$723-million. The company's net income in that year fell 50 per cent to \$10-million. Dividends for the year were reduced to 6 per cent of paid-up capital from 12 per cent the preceding year because of a mounting cash squeeze.

#### ASSISTANCE OBTAINED

Rolls had already obtained from the Labor Government \$113-million of the originally estimated \$168-million needed to develop the RB-211 aircraft engine. A cash squeeze developed when engine costs outran estimates and the company undertook, for what it felt were competitive reasons to develop an advanced version, the RB-211-50, before it got paid for the original model.

Last May a Government agency, the Industrial Reorganization Corporation, came to the rescue with \$24-million in financial aid in return for a 12 per cent equity interest. Another \$24-million was promised for this year.

Last November, the Conservative Government, told that development costs had climbed to \$324-million, stepped in with a promise of \$101-million in additional aid and persuaded London bankers to put up an extra \$48-million.

The Government also insisted on a management shakeup and installed Lord Cole, former head of Unilever, the international soap and food giant, as Rolls-Royce chairman. Ian Morrow, an expert on ailing companies, was named head of the executive committee.

As it develops, none of the funds promised in November reached Rolls because the money had been made contingent on completion of a new auditing report by the accountants, Cooper Brothers. The audit showed results so alarming when it became available last week that liquidation appeared the only course.

E. Rupert Nicholson of the accounting firm of Peat, Marwick & Mitchell, was named today as receiver and manager on behalf of the debenture holders.

#### EXCHANGE STUNNED

Trading in Rolls-Royce shares was suspended on the London Stock Exchange, which was stunned by the news. The Financial Times industrial index plunged 8.7 points to 332.7. Stocks of companies heavily involved with Rolls-Royce (such as Joseph Lucas, an electrical components company) were hard hit.

In the financial district it was estimated by some observers that up to \$600-million in cash could be involved in the collapse. The last Rolls balance sheet showed net tangible assets of \$456-million.

In its statement, Rolls-Royce said, "The board deeply regrets the loss and embarrassment which will result from the failure of the company to meet its obligations to the shareholders, the Lockheed Corporation and to the banking institutions, trade suppliers and other creditors."

The future of Rolls-Royce has been the

subject of urgent Cabinet meetings for the last two days.

[From the New York Times, Feb. 5, 1971]

#### GROSS ERRORS ARE LAID TO MANAGERS

(By Anthony Lewis)

LONDON, February 4.—In the view of the British Government, the grim denouement of the Rolls-Royce story—the bitter news disclosed to Parliament and the public today—is a result of business inefficiency.

"The reason for the collapse is simple," an informed commentator said today. "It was a series of gross errors by the management of Rolls-Royce, in this fatal contract with Lockheed."

The expert opinion here is that Rolls may have had a problem or two in its management structure even before the deal three years ago to sell the giant new engines to Lockheed for its Tristar. But it is the overwhelming belief that the Lockheed contract drove the stake through the heart of the company.

Rolls vastly underestimated the time it would require to get its RB-211 engine into production and up to the specifications for Lockheed.

#### NO ENGINES DELIVERED

In fact, not a single production engine has come off the line at this date. Delivery of the engines was to have begun next November. The Tristars that have been tested so far have used development engines that do not meet the specifications.

The attempt to rush into production led to confusion in Rolls-Royce between development and final production lines.

Parts of the engine were cleared for the actual production model and then had to be recalled because of changes decided after tests during the development.

Along with the failure to estimate the time, there was a colossal misguess about costs.

The company originally asked for, and received, \$156-million from the Government, to cover the launching costs of the new engine. Last November, it put the figure at \$324-million, and got conditional agreement from the Government to meet that figure.

#### MORE FUNDS NEEDED

But it has turned out now, according to Government spokesmen, that at least \$200-million more would be needed—and there was no certain limit on that.

As matters stood, the company was in a position where the 540 engines it had contracted to produce for Lockheed at a price of \$840,000 each would now cost the company more than \$1,104,000 each to build.

Part of the difficulty was the failure of the original scientific breakthrough that Rolls-Royce thought it had. But expert sources said that the difficulties were primarily based on much broader failure of management to estimate the time and cost of production accurately. One source said:

"What they did, in a word, was to conclude an impossible contract."

The sad ending of the RB-211 affair is all the more dramatic because the success in obtaining the order from Lockheed in the spring of 1968 was hailed by newspapers and the Labor Government that was then in power as one of the greatest export triumphs in British history.

The truth about the order began to be known after the new Conservative Government conditionally agreed to advance additional funds last November.

The main condition was that independent accountants look over the situation at Rolls-Royce. An accounting concern began making a report.

That report will probably never be made now, but according to informed quarters, the accountants blew away so many cobwebs that they disclosed the real state of affairs at Rolls for the first time.

On Jan. 26, the executive board realized for the first time the full seriousness of the financial situation. It brought the matter to the Government last Friday.

Discussions between British and American diplomats followed earlier this week. Some time yesterday, the Rolls executives decided that there was no alternative to going into bankruptcy—apparently because they now realized there was no hope of further Government subsidy.

#### LONG-SHOT POSSIBILITY

In the view of the British sources, there still is a possibility that the RB-211 engine will be built for Lockheed, but that is regarded as a long shot.

If Lockheed can make arrangements to buy the roughly comparable CF-6 from General Electric instead, and get the engine soon enough to supply them for the Tristars ordered by American and other airlines the company would doubtless prefer to go that way.

The Rolls receiver appointed today would certainly have no interest in resuming production of the RB-211 unless Lockheed agreed to pay substantially more than the original contract called for.

The possibility of continuing production of the RB-211 is expected to be explored in discussions among the British and American Governments, Lockheed and the Rolls-Royce receiver. But at best, even if the General Electric engine presents problems for Lockheed, there will be difficulties.

[From the Wall Street Journal, Feb. 5, 1971]

ROLLS-ROYCE TO GO INTO RECEIVERSHIP DUE TO AIRLINE JOB—COST OF ENGINE FOR LOCKHEED CITED, GOVERNMENT SAYS IT COULDN'T CONTINUE CASH AID—LOCKHEED EXPRESSES SURPRISE

Rolls-Royce Ltd., the proud symbol of the best in British engineering, has collapsed.

The world-renowned manufacturer of aircraft engines and automobiles, citing staggering costs of developing an engine for Lockheed Aircraft Corp.'s TriStar airliner, said in London it had "no alternative" but to put itself in the hands of a receiver and manager. The company said that a \$144 million infusion promised only last November by the British government and banking institutions wouldn't meet the "substantially increased" production costs.

In Los Angeles, Lockheed's chairman, Daniel Haughton, declared he was "completely surprised and appalled at the precipitous decision made by the Rolls-Royce board of directors and the sudden withdrawal of the British government's financial support for this key industrial firm."

Britain's Minister of Aviation Supply, Frederick Corfield, told the House of Commons that the government will acquire whatever Rolls-Royce assets are deemed essential to Britain's defense. He said Rolls-Royce's losses were on "such a scale that they are likely to exceed the net tangible assets of the company." Although Rolls-Royce said the additional costs of making RB211 engines for Lockheed were so high it wasn't "feasible" to proceed with the contract, Mr. Corfield said the government would explore with the receiver, Lockheed and the U.S. Government the future of the RB211.

In reply to a question, he said the Conservative government didn't consider it practical anymore to pour money into Rolls-Royce, because the amount needed had skyrocketed to \$360 million. The government, excluding its \$100.8 million of the \$144 million sum promised last November, already has contributed \$105.6 million to the engine development.

Describing the Rolls-Royce situation, Mr. Corfield said that "never in my wildest dreams, or nightmares, did I think it was as bad as this." Under Rolls-Royce's fixed-cost

contract with Lockheed, he said, each engine made was losing Rolls-Royce \$264,000.

The former Labor Minister of Technology, Anthony Wedgewood Benn, termed the Rolls Royce collapse a "major national tragedy" that would undermine confidence in Britain throughout the world.

In reply, Mr. Corfield asserted the 65-year-old company wouldn't wind up all its activities. Those aircraft, marine and industrial engine divisions that would be nationalized will be established as a limited company entirely owned by the government, he said, with about 50,000 of Rolls-Royces 87,000 workers taken under the government's wing.

Demise of Rolls-Royce's aircraft engine capability would be an especially bitter blow for Lockheed.

#### IMPACT ON LOCKHEED'S TRISTAR

The U.S. airframe manufacturer said it has firm orders for 178 of its new wide-bellied TriStar L1011 air bases, each of which would use three Rolls-Royce engines. So far, however, Lockheed has received only about 10 or 12 of the power plants, an adequate supply for testing but hardly enough for production. The engines represent about one-sixth of the cost of the \$15 million aircraft.

Mr. Haughton said Lockheed first learned of the full gravity of the Rolls-Royce crisis on Tuesday, when Lockheed officials went to London for a regular bimonthly review. Lockheed previously had been aware of financial and schedule difficulties, Mr. Haughton stated; but he insisted he had been assured that the problems could be solved without any major impact on the engine program.

Lockheed, he said, will hold further discussions with the receiver, Rolls-Royce officials and the British government to see if there is any way possible to continue with the RB211 program. "Our studies will include examination of alternate engines that are available for the L1011," he stated.

The principal alternative suppliers are the Pratt & Whitney division of United Aircraft Corp. and General Electric Co. According to industry sources, Pratt & Whitney is the world's biggest supplier of jet engines for commercial airline transports. There are 3,100 large commercial jets flying with Pratt & Whitney engines and an additional 274 planes on order. Its aircraft engine volume last year is estimated at about \$1.75 billion.

GE engines power 89 large commercial jets in service and are slated to go on 372 more. Its 1970 jet aircraft volume is estimated at about \$800 million.

In terms of aircraft in service, Rolls-Royce placed second among the world's suppliers with 577 in service, and second in orders, with 291. But it placed third in 1970 volume with about \$542 million in sales, industry sources estimated.

British financial pressure may have been what got Rolls-Royce the Lockheed contract, following a competitive wrangle with GE. Insiders note that when Lockheed announced its initial orders for the Tristar, it listed Trans-World Airlines, Eastern Air Lines and Air Holdings Ltd., a British holding company. It was speculated at the time that the use of Rolls-Royce engines was part of the Package for the Air Holdings sale.

#### LONDON STOCKS HIT HARD BY NEWS

The news that Rolls-Royce had requested a receiver sent prices on the London Stock Exchange into their deepest decline in months, caused British Government bonds to post sharp losses and depressed the recently buoyant pound sterling.

In the U.S., the American Stock Exchange didn't allow trading to open yesterday in Rolls-Royce shares. It had been the most active issue the day before, dropping 12½ cents to \$1.1875, on a turnover of 252,600 shares.

Lockheed shares plunged \$2.25 to \$11.625, yesterday on the New York Stock Exchange.

It was the Big Board's fourth most active issue with 216,400 shares.

Although British newspapers said in blazing headlines that "Rolls-Royce Goes Bust," the appointment of a receiver, strictly speaking, doesn't signify that the company is actually bankrupt. Under British corporate procedures, some preferred creditors have the power to appoint a receiver to protect their assets.

#### EXTENSION OF TIME FOR TRANSMISSION TO CONGRESS OF REPORT OF THE JOINT ECONOMIC COMMITTEE

Mr. PROXMIER. Mr. President, I introduce a joint resolution and ask unanimous consent for its immediate consideration. All it does is extend the time for filing a report by the Joint Economic Committee, and it has been cleared by the minority.

The PRESIDING OFFICER (Mr. Brock). Is there objection?

There being no objection, the joint resolution (S.J. Res. 31) was read the first time by title, and the second time at length, as follows:

S.J. RES. 31

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Resolution entitled "Joint Resolution extending the dates for transmission to the Congress of the President's Economic Report and of the Report of the Joint Economic Committee", approved December 31, 1970 (Public Law 91-602; 84 Stat. 1674), is amended by striking out "March 10, 1971" and by inserting in lieu thereof "April 1, 1971".*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered ordered to be engrossed for a third reading, read the third time, and passed.

#### ORDER OF 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 assistant legislative clerk proceeded to call the roll.

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

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

#### THE SUCCESSFUL SPLASHDOWN OF APOLLO 14 ASTRONAUTS

Mr. GRIFFIN. Mr. President, at this moment there is rejoicing on the Aircraft carrier *New Orleans*. There is rejoicing in the Space Center at Houston. There is rejoicing all over the United States and around the world because the astronauts aboard Apollo 14 have just splashed down.

All indications are that it was a favorable and successful splashdown.

That is good news, not only for the Senate but for all Americans and everyone around the world.

Mr. THURMOND. Mr. President, today's splashdown of the Apollo 14 com-

mand ship concludes America's third successful journey to the surface of the moon, a mission which has thrilled millions of people here on earth, and which should add immeasurably to our store of scientific knowledge.

The flight of the Kitty Hawk to the desolate strands of Fra Mauro comes only 68 years after man's first successful flight over the coastal dunes for which the lunar craft was named. It is a tribute to the progress of aeronautics and the dedication of men that we have come so far in so short a time.

The skill and courage of the Apollo 14 astronauts, Capt. Alan B. Shepard, Comdr. Stuart A. Roosa, and Maj. Edgar D. Mitchell, merit special commendation in recognition of their vital contributions in achieving a comeback in America's space program. The mission renewed our faith in the future of manned spaceflight, showing once again the value of the human element in the exploration of space.

In carrying out man's most challenging expedition to the moon's surface, the Apollo crew was confronted with a baffling variety of problems. Malfunction of the docking mechanism and problems in computer operation and radar systems failed to deter the Astronauts in their expedition to find new realms of knowledge for the people of America and the world.

In their application of pioneer spirit and human initiative, the Apollo crew captured the attention of all mankind. The businesslike report of Captain Shepard—"It's been a long way, but we're here"—signaled the beginning of a lunar excursion which emphasized scientific discovery. The excitement generated by Apollo 14 differed from that expressed following the first lunar landing just 2 years ago. No longer is the moon the object of wonder that it once was, and this in itself indicates the magnitude of the space program's achievements.

Neil Armstrong's small step has been extended. We have moved forward rapidly in probing the mysteries of our nearest neighbor in the sky. Americans have amassed almost 20,000 feet in walking distance on the lunar surface, and have transported more than 200 pounds of moon rocks a distance of 241,000 miles, enabling our study to continue far beyond the duration of the mission itself. Although some of the novelty has worn off, the lasting effects of the moon missions are only now becoming apparent. We are now at the opening stage of impact and importance in America's space program.

Though we realize the dangers inherent in the exploration of the unknown, we enthusiastically look forward to the continued success of future flights by men like Astronauts Shepard, Roosa, and Mitchell. Their achievements should inspire us to continue to probe the secrets of what has rightly been called our last frontier.

#### ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

#### PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene on tomorrow at 11:30 a.m. following a recess.

Under the orders previously entered, the able Senator from Arizona (Mr. FANNIN) will be recognized for not to exceed 15 minutes immediately following the approval of the Journal, if there is no objection, and the recognition of the majority leader and the minority

leader under the standing order of January 29.

Following the remarks of the able Senator from Arizona (Mr. FANNIN), the very distinguished Senator from Vermont (Mr. AIKEN) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The period for the transaction of routine morning business will extend to the time, under the previous order, for the recognition of the majority leader in connection with the business to be transacted in executive session.

The majority leader is to be recognized for not to exceed 10 minutes just prior to the vote which will occur on the treaty. The vote will occur on the treaty circa 1 p.m. The vote will be a rollcall vote.

Following the vote on the treaty, the Senate will resume its consideration of the pending business.

RECESS TO 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in recess until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 15 minutes p.m.) the Senate recessed until tomorrow, February 10, 1971, at 11:30 a.m.

#### NOMINATION

Executive nomination received by the Senate February 9 (legislative day of January 26), 1970:

##### DEPARTMENT OF JUSTICE

H. Brooks Phillips, of Mississippi, to be U.S. marshal for the northern district of Mississippi for the term of 4 years vice John H. Phillips, deceased.

## HOUSE OF REPRESENTATIVES—Tuesday, February 9, 1971

The House met at 12 o'clock noon.

Rev. Andrew Leigh Gunn, Grace United Methodist Church, Gaithersburg, Md., offered the following prayer:

O God our Father, we thank You for our beautiful and free Nation with its majestic mountains and ocean shores, its plains, rivers, and lakes. Forgive us when we befoul our land's beauty. Teach us to live in harmony with what you have created.

We rejoice in the success of our moon mission and we pray for the safe return of our astronauts this afternoon. We ask Your divine favor on the Members of this House of Representatives. May they work toward goals which will lift our Nation and bring it new unity. Yes, we ask for peace, O Lord, and the speedy return of all troops to their native lands. Let there be the greening of America by the light of Your truth and righteousness. Finally, we pray for our Nation's youth: Give them, give us all, a new vision of service and greatness. In Christ's name we pray. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

#### NEW RULE APPROVED BY INTERIOR AND INSULAR AFFAIRS COMMITTEE

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, the House Committee on Interior and Insular Affairs has long been a leading committee of the House of Representatives in taking steps to advance orderly pro-

cedures and help to bring about better committee operation and better operation of the House itself.

I am proud to be authorized this morning by the committee to announce that the Committee this morning has tentatively approved a rule which provides that any committee meeting that conflicts with regularly scheduled party caucuses or party conferences shall be canceled.

This action was taken by a unanimous vote of the committee with the support of the chairman and the ranking minority member, and I think it is a pattern that should be called to the attention of other committees of the House.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I am very much interested in the announcement which the gentleman from Oklahoma just made.

I think the party caucuses and party conferences are important for all Members to attend, and I would hope that other committees will follow the Committee on Interior and Insular Affairs.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Louisiana.

#### A WATCHDOG OVER GOVERNMENT CONTRACTS

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am proud to be introducing a bill today, cosponsored by 59 of my colleagues in the House, known as the "Government Contract Security Act." The bill gives expanded authority to the Comptroller General of the United States to investigate Government contracts characterized by cost overruns of 10 percent or more and/or late delivery. It requires annual scrutiny and criticism by the General Accounting

Office of the contracts of all executive agencies. Extensive reports of the findings would then be given, also on an annual basis, to Congress with careful delineations of the reasons behind the violations. GAO is empowered to obtain all such material, and I believe that it must exercise this prerogative.

Under present authority, the reports of the General Accounting Office need not be issued with any specific frequency or on any particular subject unless requested by a committee of either House of Congress. Under my proposal, the General Accounting Office would be given watchdog authority over individual contracts for services and research, construction, alteration, or repair of any kind requested by the Government, and the manufacture or furnishing of materials for which the Government had contracted, and would issue specific reports at specific intervals.

The most glaring violations of Government contracts have, of course, been in the area of defense spending; the TFX airplane, the C-5A transport, the Cheyenne helicopter are but three examples of the failures that the public has been forced to subsidize in silence, and into which the Government, until only recently, has willingly poured funds. And as we know, the overruns in defense are more costly than in any other area.

Defense encompasses about one-half of the Federal budget, and mistakes often mean billions of dollars. Inefficiency and overruns may be brought to public attention by individual "whistle-blowing," but I believe GAO's regular scrutiny of contracts is the best means of assuring such reporting.

A recent report by the General Accounting Office, entitled, "Acquisitions of Major Weapons System," documents how large these overruns have been and how poor the planning. Although I commend the General Accounting Office for its initiative in this vital area, one might say that the report was too long in coming. Billions of dollars