SENATE—*Wednesday, August 4, 1971*

(Legislative day of Tuesday, August 3, 1971)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

Rabbi Charles M. Rubel, Congregation B'nai Raphael, Miami, Fla., offered the following prayer:

Sovereign of the universe and Father of all mankind: We invoke Thy blessings upon all assembled here in this great shrine of American freedom. Do Thou, O Gracious Guardian, direct the deliberations of the Members of the Senate so that their wisdom and vision may make our beloved land the beacon tower of light for all the nations of mankind. Grant them wise and discerning hearts to legislate wisely and beneficiently. Bless the President of the United States and our Vice President, and the Members of the Congress of the United States and their dear ones.

Hasten the day when the millennial hope of universal peace will prevail throughout the world. May the Biblical ideals of justice, equality, brotherhood, and freedom enshrined in the American heritage become the heritage of all peoples of the earth.

May America exemplify the words of the Psalmist—How good and how sweet it is for brethren to dwell together in unity. May all mankind form one bond of love and fellowship. May the day be near when nation shall not lift up sword against nation, nor shall they learn war any more. May our beloved country continue to eternity, to be the land of the free and the home of the brave. May this be Thy will now and forevermore. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 4, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 3, 1971, be approved.

The ACTING 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 may be authorized to meet during the session of the Senate today.

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

PROGRAM FOR REMAINDER OF THIS WEEK

Mr. MANSFIELD. Mr. President, for the information of the Senate, I think it should be stated clearly and unequivocally that we will be in session on Friday of this week and we may very well be in late.

It is hoped that we will be able to finish the pending legislation, S. 382, the Federal election campaign bill, this afternoon. If not, it is anticipated that at approximately 5 o'clock p.m. we will proceed to consider the education bill, on which there is a time agreement. It is anticipated also that we will very likely take up the Disaster Relief Act of 1970 which affects at least 40 areas in this country and is of prime importance to many Members.

It may also be possible to get a time agreement on S. 2007, a bill providing for the continuation of programs authorized under the Economic Opportunity Act of 1961. If we can get a time agreement on that bill, fine. If not, we will take it up anyway, and start on it, as we will continue with the Disaster Relief Act. In any case, we will finish the election reform bill either today or tomorrow and complete action on the omnibus education bill, the disaster relief bill, the military construction authorization and, hopefully finish the poverty bill prior to our recess on Friday. It will require a full workday both Thursday and Friday.

There will also be some conference reports, as well as another appropriation bill, which I believe will be marked up this afternoon by the Appropriations Committee.

So the Senate should be on notice that we will be in session tomorrow and Friday, and that no Senator should make plans to leave on Friday, because he will be needed here for votes which will undoubtedly occur during this entire period.

It is the intention of the joint leadership, as we have tried during the entire year, to clear up the calendar as much as we possibly can.

May I say, in that connection, that I was not at all impressed by the statement issued by the White House yesterday as to what the Congress has been doing, because the Senate has been on its toes. I am proud of the way the committees and the full Senate have worked. I am indebted to all Members, both Democratic and Republican, for the cooperation and assistance they have given the joint leadership.

I resent the statement that we are loafing on the job. We have kept up with our responsibilities. We are up with the House on our appropriation bills.

So far as the Revenue Act is concerned, we can do nothing on it until the House sends over the legislation. As soon as the welfare proposal was sent over by the House, the Finance Committee undertook to start hearings. There is no doubt that this measure will be considered by the full Senate.

The Appropriations Committee, under the chairmanship of the distinguished Senator from Louisiana (Mr. ELLENDER), and the ranking Republican member, the distinguished Senator from North Dakota (Mr. YOUNG), have done an outstanding job.

I want to say that I do not like what the White House representatives, Mr. Ehrlichmann and Mr. MacGregor, had to say about what we have been doing, because we are proud of what we have done and have no apologies to make to anyone. Those that have followed the workings of the Congress and the Government over the years appreciate the achievements of this Congress so early in its first session.

Mr. SCOTT. Mr. President, I join the distinguished majority leader in urging that we continue our business, that we get it done, that we clear up the calendar as far as we can, and in alerting all Senators to the fact that there may be rollcall votes at any time during the remainder of the session this week.

We are very anxious to comply with the statute which provides for a statutory recess. We would like to finish the Nation's business as soon as possible and would like to join in agreements with regard to the appropriation bills. I believe that when the recess comes, 10 of the 14 appropriation bills will have been disposed of, which is a far better record than in recent Congresses.

In many other items of legislation we have managed to dispose of some very difficult and complicated matters.

I believe that the comments of the White House had to do with certain goals of the President. I had nothing to do with the White House statement at all, of course. They have their views. We have ours. But I think it is proper to note that they were talking about matters which the distinguished majority leader had particularly mentioned, regarding revenue sharing and welfare reform as well as fiscal matters, which are the responsibility of the other body to generate and send over here for our consideration.

I should like to say that, before we go home at the end of this session, I should like to see action on the environmental legislation, on health bills, and on railway labor legislation. I think it is proper

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for the Congress to react as to what it has done. I think it is also proper for the administration to point out what has not been done. I do not think it was done from a posture of hostility, because it is necessary that the executive and legislative bodies work together. We should do as much as we can this year, because next year will be, to a degree, blighted by the pollution of politics, and the smog of ambition will descend upon our legislative bodies. It will be difficult to see, through the mist, the haze, and the smoke, the difference between what is substance and what is political. So that 1971 is a cleaner year, a year when one will be able to see farther into the distance and see more clearly the objectives than perhaps we will be able to do next year. As we get into the last 3 or 4 months before election, I have periodically warned the American people that Congress will not make too much sense. I do not want to say what I think the candidates will do.

Mr. President, I yield back the remainder of my time.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The ACTING PRESIDENT pro tempore. The Chair now lays before the Senate, S. 382, the so-called Federal election campaign bill, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 223 (S. 382) a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 282 of the Senator from Maryland (Mr. MATHIAS). Who yields time?

Mr. PASTORE. Mr. President, if I may have the attention of my distinguished colleague, the Senator from Maryland, we have just had a very informal talk. The Senator has a number of amendments. Some of them go as to form. Some of them do go as to substance. I think they can be placed in the category of what we consider to be the very important amendments.

Mr. President, for that reason I have suggested to the Senator from Maryland that his staff sit down with our staff and determine which ones I could accept and which ones I would have to contest. And we would take a vote on it, whatever the result may be. We would thus have an expression of the will of the Senate.

They do have at the desk a very important amendment which has to do with the amount of money which any one individual can contribute. That is a very controversial amendment. As a matter of fact, I think that many on the other side of the aisle have very strong feelings, as some on our side of the aisle have very strong feelings, as to whether there should be a limitation on how much any one individual can give to a candidate or how much of his own money he can invest in his own campaign.

Mr. President, if I may have the attention of the Senator from Maryland, I would hope that he would temporarily withdraw this particular amendment and call up the important amendment. I think we ought to get right at the gut of this situation, and let us see if we can resolve the whole problem today.

We have this amendment and the Fannin amendment, which has to do with a checkoff. And apart from those, I do not know of any other amendments that we could not sit down as reasonable men and work out.

I say very frankly that if I cannot accept an amendment, I cannot do so. If I can accept the amendment, I will accept it. However, if I cannot do so, I will move to lay the amendment on the table. It does not make any difference whether the sponsor is a Republican or a Democrat. We have to solve the problem.

Mr. President, I am talking now on the time on the bill.

Mr. COTTON. Mr. President, I have been in attendance at conference on the HEW appropriation bill. Therefore, I could not be on the floor. Has the question concerning the interchangeability of the "five and five" limitation been resolved?

Mr. PASTORE. Yes. It has been adjusted so that it is five and five, with a leeway of 20 percent that candidates can use in one way or another. I thought that it was a fair compromise. That has been our attitude here. I do not agree with the attitude of those who say that we are not giving in enough or giving in too much. That is a lot of rhetoric. We want a bill for the country.

Mr. COTTON. Mr. President, I thank the Senator and commend him on the compromise. Having been confined to the conference session, and not having had an opportunity to look at the RECORD, I did not know of the resolution of this issue.

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

Mr. PASTORE. Mr. President, I yield to the Senator from Maryland time on the bill.

Mr. MATHIAS. Mr. President, I think that the Senator from Rhode Island has raised an extremely important question. I think the procedure which he has outlined is a good one. Some amendments have been proposed that I think the committee would be willing to accept and that the Senate would be willing to accept.

I am perfectly willing, after a careful staff review, to submit those en bloc, and we can dispose of them very expeditiously.

I have as a cosponsor of the amendment to which the Senator refers, the Senator from Florida (Mr. CHILES). When he reaches the floor, we can proceed on that amendment. And others can probably be set aside for another day and will not have any effect on the election reform.

Mr. PASTORE. I would hope that they would be disposed of sometime this afternoon.

Mr. MATHIAS. Well, another year.

Mr. PASTORE. I see what the Senator means. He means after we have had it tested and tried thoroughly.

Mr. MATHIAS. Yes. After all, the law of the Medes and Persians are not involved here. We are dealing with the fabric of the law that will change as the customs and times change.

Mr. President, I ask unanimous consent at this point that I may withdraw the pending amendment, No. 282.

Mr. PASTORE. Mr. President, I will ask for a quorum call and we will try to reach Senators on the telephone to see if they can come to the floor.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is advised that he has a right without unanimous consent to withdraw his amendment.

Mr. MATHIAS. Mr. President, I so do.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. MATHIAS. That is subject to the possible recall of the amendment.

The ACTING PRESIDENT pro tempore. The Senator may recall the amendment.

Will the Senator from Rhode Island advise the Chair to whom the time is to be charged?

Mr. PASTORE. Neither side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

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

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

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

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

H.R. 7960. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises; and

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

ORDER FOR ADJOURNMENT FROM THURSDAY TO 9 A.M. FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 9 a.m. on Friday next.

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

EXECUTIVE SESSION

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

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar beginning with New Reports, will be stated.

DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue.

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

U.S. AIR FORCE

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

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

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

U.S. NAVY

The legislative clerk read the nomination of Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral when retired.

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

U.S. MARINE CORPS

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

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

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

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Peter C. Benedict, of Virginia, to be a member of the National Mediation Board.

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

Mr. MANSFIELD. Mr. President, the next one will be Calendar No. 262.

OFFICE OF SCIENCE AND TECHNOLOGY

The legislative clerk read the nomination of John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Army, in the Navy, and in the Marine Corps, placed on the Secretary's desk.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following letter, which was referred as indicated:

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, transmitting, pursuant to law, a report of that Administration, for the year 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TUNNEY, from the Committee on the District of Columbia, without amendment:

H.R. 2596. An act to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes (Rept. No. 92–349);

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability (Rept. No. 92–350); and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers, and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes (Rept. No. 92–351).

By Mr. TUNNEY, from the Committee on the District of Columbia, with an amendment:

H.R. 2592. An act to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928 (Rept. No. 92–352).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

H.R. 8589. An act to amend the Healing Arts Practice Act, District of Columbia 1928, to revise the composition of the Commission on Licensure To Practice the Healing Arts, and for other purposes (Rept. No. 92–353).

EXECUTIVE REPORTS OF COMMITTEES

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

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of three Air National Guard officers for appointment as Reserve commissioned officers in the U.S. Air Force in the grade of brigadier general. I ask unanimous consent that these names be placed on the Executive Calendar.

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

The nominations ordered to be placed on the Executive Calendar are as follows:

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

TO BE BRIGADIER GENERAL

Col. William A. Browne [XXXX] FG, Mississippi Air National Guard.

Col. William E. Elmore [xxx-xx-xxxx] FG, Alaska Air National Guard.

Col. Wendell G. Garrett [xxx-xx-xxxx] FG, Indiana Air National Guard.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,458 appointments in the Air Force in the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD in order to save the expense of printing on the Executive Cal-

endar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of July 28, 1971.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BAKER (for himself and Mr. BROCK):

S. 2410. A bill to provide for the release of restrictions and reservations on certain real property heretofore conveyed to the Columbia Military Academy in the State of Tennessee. Referred to the Committee on Armed Services.

By Mr. TALMADGE (for himself and Mr. GAMBRELL):

S. 2411. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLOTT (for himself, Mr. CURTIS, Mr. HOLLINGS, Mr. ANDERSON, Mr. WILLIAMS, Mr. JACKSON, Mr. RANDOLPH, Mr. FANNIN, Mr. HUGHES, and Mr. TAFT):

S. 2412. A bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROOKE (for himself, Mr. BOGGS, Mr. CASE, Mr. COOPER, Mr. HATFIELD, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. SAXBE, Mr. SCHWEIKER, Mr. STEVENS, Mr. TAFT, and Mr. WEICKER):

S. 2413. A bill to establish a National Commission on Wages and Prices to deal with the problems of price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. SCHWEIKER, Mr. TAFT, Mr. BEALL, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOPER, Mr. HATFIELD, Mr. MATHIAS, Mr. PERCY, Mr. SAXBE, Mr. STEVENS, Mr. WEICKER, and Mr. GURNEY):

S. 2414. A bill to increase U.S. productivity in the national interest and for the benefit of the individual worker and businessman, by promoting mutual understanding and cooperation between labor and management, encouragement of public responsibility in the private economy, and maximization of technical and managerial progress, through the establishment of a National Productivity Council and the support of local and industrywide labor-management-public committees. Referred to the Committee on Labor and Public Welfare.

By Mr. ALLOTT (for himself, Mr. DOMINICK, and Mr. JORDAN of Idaho):

S. 2415. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772). Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA:

S. 2416. A bill to authorize the establishment and carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGEE:

S. 2417. A bill for the relief of Lester L. Stiteler. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2418. A bill for the relief of Shanti A. Solanki. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2419. A bill for the relief of Jung Il Kim, Jung Sook Kim, and Jung Rang Kim. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2420. A bill to provide tax-free interest to the small saver. Referred to the Committee on Finance.

By Mr. MOSS:

S. 2421. A bill to provide for the conveyance of the interest held by the United States of America in certain real property situated in the State of Idaho. Referred to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER (for himself and Mr. FANNIN):

S. 2422. A bill to provide for the acquisition of a village site for the Payson Community of Yavapai-Apache Indians on certain lands which are to be eliminated for such purpose from the Tonto National Forest, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CANNON:

S. 2423. A bill to amend the Federal Aviation Act of 1958 to provide for the regulation of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 2424. A bill for the relief of Thorny Henry Kyaze. Referred to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. GRAVEL, Mr. FONG, and Mr. INOUYE):

S. 2425. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE:

S. 2426. A bill to add a new section to title 18 of the United States Code relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 2427. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems. Referred to the Committee on Commerce.

By Mr. HANSEN:

S. 2428. A bill to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY (by request):

S. 2429. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. GRAVEL:

S. 2430. A bill to establish a Committee on Adversary Inquiry to reconcile contradictory risk-estimates regarding the civilian nuclear power program. Referred to the Joint Committee on Atomic Energy.

By Mr. DOMINICK:

S. 2431. A bill for the relief of Hanna Pincuss. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAKER (for himself and Mr. BROCK):

S. 2410. A bill to provide for the release of restrictions and reservations on certain real property heretofore conveyed to the Columbia Military Academy in the State of Tennessee. Referred to the Committee on Armed Services.

Mr. BAKER. Mr. President, on behalf of the Columbia Military Academy of Columbia, Tenn., I would like to introduce this bill for myself and Senator BROCK.

Records indicate that on April 23, 1904, the U.S. Government deeded 67 acres of land to Columbia Military Academy Co. and to its successors for educational purposes. Columbia Military Academy Co. was sold to Columbia Military Academy School and on November 10, 1949, was incorporated under the laws of Tennessee as a nonprofit corporation.

In the deed dated 1904, there are three provisions which are antiquated. These have prevented the school from being able to borrow money to build new buildings and to properly maintain the existing equipment.

CMA has invested in excess of $1,500,000 of its own funds to build dormitories, a science building, gymnasium, and hospital, in an effort to update the academy. It has spent, over a period of 60 years, in excess of $600,000 in the maintenance and landscaping of the grounds. CMA today is operating at a deficit due to the high cost of doing business and the increased cost of labor, and there needs to be an amendment to the existing deed of 1904 which would allow CMA to pledge the land, along with the buildings, as collateral, in order to build an additional dormitory to house approximately 100 students and to upgrade the existing equipment in some of the older buildings on the campus.

This bill authorizes the Secretary of Army to quitclaim or convey such reversionary rights as the 1904 deed contained to the Columbia Military Academy. In so doing the school may expand and operate efficiently in today's economy.

By Mr. TALMADGE (for himself and Mr. GAMBRELL):

S. 2411. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

CUMBERLAND ISLAND NATIONAL SEASHORE

Mr. TALMADGE. Mr. President, today I introduce for myself and the junior Senator from Georgia legislation to establish Cumberland Island, Ga., as a national seashore.

My bill is identical to legislation introduced in the other body by Congressman W. S. STUCKEY, JR., and represents an effort to preserve one of our Nation's most limited resources—the seashore.

This 24,000-acre island today lies virtually undeveloped off the coast of Georgia. Its 18 miles of beach, its forest areas, fresh water lakes, archaeological sites, and marshlands, if protected, would offer

unusual recreational and scientific research opportunities.

The National Park Foundation, working with private foundation funding, has already acquired more than 70 percent of Cumberland Island. This property will be donated to the seashore when appropriate legislation is enacted. The bill further envisions the gradual acquisition of all of the island.

Mr. President, in my judgment, this is a good bill. It recognizes and attempts to deal equitably with the rights of property owners on the island. It considers the desires of local governmental officials. Finally, it furthers the announced policy of the President of the United States and the interest of the general public by providing more open spaces and recreational facilities.

Mr. President, Cumberland Island should be preserved for and enjoyed by ourselves and future generations. I hope that the Senate will act promptly and favorably on my bill which seeks to accomplish this meritorious goal.

Mr. President, I ask that the bill be printed at this point in the RECORD.

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

S. 2411

A bill to establish the Cumberland Island National Seashore in the State of Georgia, and other purposes

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 use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS–40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by whatever legal method available to him such as, but not limited to, donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. The Secretary may also acquire not to exceed one hundred acres of lands and interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

SEC. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

SEC. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes, or agriculture purposes, for a definite term not to exceed forty years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however,* That when acquiring lands and interests from the National Parks Foundation, its successors and assigns, the Secretary shall acquire such lands and interests subject to the written terms and conditions on which the National Parks Foundation acquired the lands from prior owners thereof, and that such previous written rights and interests shall prevail over provisions of this paragraph.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, or agriculture purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean either (1) a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated, or (2) any property used exclusively for agricultural purposes, including housing incident thereto.

(d) (1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of two years from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island shall have created an irrevocable trust or other method of preservation of the resources of Little Cumberland Island which in the judgment of the Secretary provides for the protection of the resources in a manner consistent with the purposes of which the seashore was established, the Secretary's authority to acquire such lands shall be suspended for such time as the trust is in effect, and the lands are used and occupied in accordance therewith.

(3) If, at any time during the two-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

SEC. 6. The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 7. (a) There is hereby established a Cumberland Island National Seashore Advisory Commission. The Commission shall terminate ten years after the date of enactment of this Act.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) One member appointed from recommendations of the Board of Commissioners of Camden County;

(2) Four members appointed from recommendations of the Ocean Science Center of the Atlantic Commission;

(3) Two members appointed from recommendations of the Governor of Georgia;

(4) Two members designated by the Secretary; and

(5) One member appointed from recommendations of the Georgia Coastal Area Planning and Development Commission.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon the presentation of vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the seasore and, in particular, with respect to (1) the provision and adequacy of passenger ferry service, and (2)

the desirability of or necessity for bridges or causeways to Cumberland Island.

SEC. 8. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. ALLOTT (for himself, Mr. CURTIS, Mr. HOLLINGS, Mr. ANDERSON, Mr. WILLIAMS, Mr. JACKSON, Mr. RANDOLPH, Mr. FANNIN, Mr. HUGHES, and Mr. TAFT):

S. 2412. A bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ALLOTT. Mr. President, I send to the desk for appropriate reference a bill to amend the Urban Mass Transportation Act of 1964 as amended. This bill would waive, in certain cases, the requirement that assistance provided under the act must be in furtherance of a program for a unified or officially coordinated urban transportation system. I submit the bill on behalf of myself and Senators CURTIS, HOLLINGS, ANDERSON, WILLIAMS, JACKSON, RANDOLPH, FANNIN, HUGHES, and TAFT.

Mr. President, the urban transportation picture in the United States has become as bleak as it is complex. Fares continue to rise. Ridership continues to decline in most cities. Private companies are being forced out of business in increasing number. Cities and towns by the dozens have added public transit to the list of their municipal services.

For the past 6 years, the Federal Government has been assisting local transit operations to acquire new equipment. Since the passage of the expanded public transportation act in 1970, a greal deal of money has been made available to alleviate a most critical situation.

UMTA administrator Carlos Villarreal has made valiant efforts to expedite Federal assistance. His able assistant administrator Bill Hurd and his fine staff have done an outstanding job of processing the UMTA capital grant applications. Particularly during this past fiscal year, when Congress did not pass the Department of Transportation appropriations bill until December, Mr. Villarreal, Mr. Hurd and the staff deserve great credit for processing as many applications as were possible under the handicaps with which they were faced.

Unfortunately, experience has shown that the legislation which Congress passed is not functioning as many of us in Congress desired when we voted for the urban transportation bill. This is especially true since 1970, when the number of transportation operators requiring Federal funds increased so drastically.

The planning requirements of the bill, and especially as interpreted by HUD regulations, are preventing full funding of many needed projects. Indeed, the situation is such that some transit operations are unable to qualify for funds at all.

In passing transit legislation, Congress desired that cities whose private operators could not remain solvent would be immediately eligible for Federal assistance to fund municipal purchase of these systems.

In my own State of Colorado, both Denver and Pueblo have found themselves in the position of having to seek Federal funds to buy their failing private bus companies.

Congress also desired that funds should be made available without delay to replace obsolete and worn out equipment where necessary. Transit ridership has been declining in almost every city in the Nation since the end of World War II. This means that transit revenues have also been declining and, as a result, many systems simply could not replace old buses, railcars, substations, garages, and other capital facilities. In certain cases, the problems have been critical. The Chicago South Shore and South Bend Railroad is an excellent example. This commuter line last purchased new equipment in the 1920's. Each year, the South Shore's Michigan City shop crews have been harder and harder pressed to keep this ancient equipment in service. In recent years, the situation has become so difficult that the railroad has actually had to cancel trains on days when too many railcars were being repaired. The South Shore's parent company, the C. & O. Railroad, agreed more than 2 years ago to put up the matching funds for purchase of new equipment for the South Shore, even though South Shore trains have been heavy money losers for years.

However, neither Cook County in Illinois, nor Lake and Porter counties in Indiana, through which the South Shore operates, can qualify for the planning certification required by HUD. Most recently, HUD has appeared to be willing to grant temporary certification so that funds could be allocated for commuter cars for the South Shore and Illinois Central Railroads. But other Chicago area government entities and transportation systems are unhappy with this proposal and so the wrangling goes on between the Federal Government and local planning and transportation authorities.

Meanwhile, who suffers? The commuter, of course. The very people whom Congress meant to help by passing urban transit legislation are caught in the squeeze between the Federal and local governments. The C. & O. Railroad has suffered, too, because inflation has reduced the number of cars they will be able to purchase with available funds. The ironic part of the whole situation is that when it comes to replacement of transit equipment "in-kind," in other words, the acquisition of 30 new buses to replace 30 old ones, or 100 new subway cars to replace 100 which date back to the roaring 1920's, transit planning is beside the point. In the case of the South Shore line, brandnew railcars would serve the same communities as the first cars which inaugurated service on the South Shore shortly after the turn of the century.

Requiring strict adherence to transit planning is entirely justified when new systems or services are being initiated. Certainly, if Denver or Atlanta or Chicago intends to construct a new rail line which will disrupt neighborhoods and traffic patterns, it is not only reasonable but prudent to require, as HUD presently does, areas to conform to strict criteria. But when it is simply a matter of replacing 1948 White buses or 1926 Pullman railcars with 1971 Flexible buses or 1973 Rohr Corp. Railcars, then the situation is more than ridiculous. The bill I introduce today would eliminate this problem—a problem which is made all the more ridiculous by knowledge of the fact that in most cities transit planning is done by an authority other than the transit operator. Thus, under the present conditions, HUD is in the situation of trying to bring pressure on one local agency. Any practitioner of local government knows that this technique seldom works. Clearly, a change is in order.

In addition to taking care of the problem of "replacement in-kind," my bill would also eliminate planning requirements for cities of less than 300,000 in population. Transit companies in cities of this size—and the number is dwindling—consist largely of a small number of buses.

I know of no small community in the United States which is planning a private right-of-way transit system for either bus or rail operation. Therefore, it is ridiculous to subject these small cities to the same considerations as huge metropolitan areas in the Northeast corridor.

As I reported in a previous Senate speech on this subject, cities, large and small, throughout the Nation have had problems with the HUD planning requirements. Indeed, nearly every city which has applied for a capital grant has experienced some problem. In the days of the previous administration, some of these problems were solved rather easily. Planning requirements for Chicago were quickly waived when Mayor Daley made his views known. This is obviously no way to run a transit program. Therefore, we must correct the law.

In conclusion, Mr. President, I should like to express my thanks to the cosponsors of this bill who have expressed such a great deal of interest in it. I am gratified to have among its supporters Senator WILLIAMS of New Jersey, long known for his active interest in the transit field. Since this bill will come before the subcommittee of which he is a leading member, I am doubly pleased that we will be able to begin consideration of this measure with the favorable ear of someone who has shown such interest in this subject.

I should also like to announce that Congressman WILLIAM STEIGER, Republican of Wisconsin, will shortly introduce a companion measure in the House of Representatives. The Congressman has also had a long identification and interest in this subject, as well as some personal experience with the unreasonableness of the HUD planning requirements in a city in his own district.

I am very hopeful that the Allott-Steiger approach to this most critical transportation problem will be given prompt and favorable consideration by the Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of communities which have had prolonged planning difficulties, keeping in mind that this list does not include the dozens of cities where those problems have been temporarily resolved:

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

PLANNING DIFFICULTIES

Elgin, Illinois, February 8, 1968; no decision.

Burlington, Iowa, October 24, 1969; negative.

St. Bernard Parish, La., January 30, 1970; negative.

Amsterdam, New York, February 8, 1970; negative.

Corvallis, Oregon, March 1, 1971; inadequate.

OLD PROJECTS

Panama City, Florida, October 26, 1966; planning inadequate.

Hoboken, New Jersey, October 27, 1967; planning inadequate.

Hot Springs, Ark., June 6, 1968; awaiting planning.

Bakersfield, Calif., April 11, 1969; negative.

COMPLETED PROJECTS

1/6 grants still pending (3 years from grant contract execution).

Modesto, Calif., March 5, 1971.
Rome, Georgia, August 16, 1970.
Flint, Michigan, March 15, 1971.
Rome, New York, April 23, 1971.
St. Petersburg, Fla., September 20, 1971.
Hamilton, Ohio (August 22, 1971.
Oklahoma City, Okla., June 28, 1971.
Bristol, Va., October 12, 1970.

PROJECTS NEARING 3-YEAR DEADLINE OR BEYOND IT

Santa Barbara, Calif., May 15, 1971.
San Francisco Municipal, July 29, 1971.
Sacramento, Calif., July 26, 1971.
Broome County, N.Y., May 27, 1971.
Martinsville, Va., January 30, 1970.

ONE-SIXTH GRANTS FORFEITED

A–C Transit (Suburban SF) grants	2
St. Petersburg, Fla. grants	2
Detroit, Mich. grants	1
Total	5

By Mr. BROOKE (for himself, Mr. BOGGS, Mr. CASE, Mr. COOPER, Mr. HATFIELD, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. SAXBE, Mr. SCHWEIKER, Mr. STEVENS, Mr. TAFT, and Mr. WEICKER):

S. 2413. A bill to establish a National Commission on Wages and Prices to deal with the problems of price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

THE LEGACY OF INFLATION

Mr. BROOKE. Mr. President, I rise today to introduce the "National Commission on Wages and Prices Act," on behalf of myself and Senators BOGGS, CASE, COOPER, HATFIELD, JAVITS, JORDAN of Idaho, MATHIAS, SAXBE, SCHWEIKER, STEVENS, TAFT, and WEICKER.

Despite the record of "gradual, but quickening, recovery" in the first half of 1971, uncertainty continues to exist in business, economic, and investment circles which has been reflected in a sagging stock market and the cautious commitments of both business and consumers. Public confidence in the Government's ability to deal effectively with the dual problems of inflation and unemployment must be restored.

Only last week, an official budget deficit for fiscal year 1971 aggregating over $23 billion was announced—the second largest budget deficit since World War II. In addition, an international trade deficit for the final quarter of fiscal year 1971 was revealed, marking the worst quarter for trade figures since 1946 and the first time since 1950 that this country has run a deficit for 3 consecutive months. The Government's composite index of leading economic indicators fell in June for the first time since October; inflationary wage settlements have been reached and more are in the offing, and the rate of unemployment continues to hover around 6 percent, with higher levels being experienced in many areas—including my own State of Massachusetts, where unemployment has risen to 8.1 percent.

Public confidence provides the cornerstone in the foundation of prosperity. Consumers and businessmen alike must be assured that inflationary pressures will ebb and that recovery in production and unemployment is assured if they are to make necessary commitments in spending and resource allocations to bring the economy out of its present state.

The inflation which we are now experiencing is no longer due to the forces of excess demand. Large wage and price increases persist in the face of extensive unemployment of labor and capital. Our economy is presently experiencing the so-called cost-push phenomenon—that is, the upward push of costs, stemming mainly from sharply rising wages and price rates.

A little over a week ago, Arthur Burns stated in testimony before the Joint Economic Committee:

[S]trong and stubborn inflationary forces, emanating from rising costs, linger on. I wish I could report that we are making substantial progress in dampening the inflationary spiral. I cannot do so. Neither the behavior of prices nor the pattern of wage increases as yet provides evidence of any significant moderation in the advance of costs and prices.

* * * * *

Thus far in 1971, prices of newly produced goods and services in the private economy are still rising, on the average at about a 5 percent annual rate—or at essentially the same rate as in 1969 and 1970. . . . The wholesale price index for all commodities has increased at an annual rate of 5 percent thus far this year, or twice last year's rate. . . .

Much the same picture emerges from a review of changes in wages and salaries—by far the most important component of business costs. . . .

Nor is the picture more encouraging when one inspects the trend of new agreements in major collective bargaining settlements—agreements which tend to establish wage trends throughout industry.

Dr. Burns went on to state:

In my judgment, and in the judgment of the Board [of Governors of the Federal Reserve] as a whole, the present inflation in the midst of substantial unemployment poses a problem that traditional monetary and fiscal remedies cannot resolve as quickly as the national interest demands.

To be sure, the Nixon administration inherited a difficult and frustrating set of economic problems when it came into office in 1969. Inflation was already rampant and the economy was "overheated" by excess demand. The President is to be commended for having taken timely and decisive actions to dampen inflationary expectations and stabilize the economy.

As initial steps, the President and his economic advisers utilized monetary and fiscal policies to eliminate excess demand and curb speculative ardor. A return to time-honored principles of sound finance was set in motion, and a foundation was laid on which a prolonged and stable prosperity can be constructed. Indeed, retail sales have been increasing; the index of industrial production rose at a 6 percent annual rate between March and June; personal income has been rising; and corporate earnings have improved considerably.

Nevertheless, we in the Congress must work closely with the President in devising and implementing additional steps to curb inflation and combat unemployment. We have watched monetary and fiscal policies being used to dampen inflationary pressures; however, monetary and fiscal policies alone have proved insufficient to bring prices and wages under control.

I understand and share the frustration of workers who have seen inflation erode the spending power of their dollars. However, it is in the best interests of labor to recognize that economic recovery, as well as the battle against inflation, may be impeded by recent wage settlements that greatly exceed probable productivity gains. Earlier this week, a settlement was reached in the steel industry which provided for wage increases of approximately 31 percent over the next 3 years; this was followed within 12 hours by an 8-percent rise in steel prices. Two days ago, the rail strike ended with a 42-percent wage increase over a 42-month period.

I share the concern of many business, labor, and government leaders who have been troubled in recent months by the failure of collective bargaining settlements to respond to anti-inflationary measures. Certainly, the recent settlements in the can and aluminum industries—followed by those in the steel and rail industries—bear out these concerns.

Accordingly, I am introducing a bill today which would establish a Presidentially appointed "National Commission on Wages and Prices." This commission, while lacking enforcement power, would have broad authority to investigate significant wage and price developments in the economy; to publish standards and criteria by which the inflationary impact of increases in wages and prices can be identified; to report its findings to the President, Congress and the public in order to provide a sound basis for informed public opinion; and to recommend price and wage changes to the President and Congress, whenever it determines such action is necessary to avoid undesirable inflationary pressures in our economy.

The bill also requires employers to

notify the Commission in advance of significant price and wage changes. It has been suggested that the Commission should be given powers to suspend increases temporarily; however, as presently drafted, the bill would not vest the Commission with such powers. Additional thought may have to be given to the incorporation of such a provision into future legislation dealing with this subject if the approach included in the present bill proves inadequate.

The President already has the authority, under the Economic Stabilization Act of 1970, to institute wage and price controls. The President issued an order under this legislation on March 29, 1971, with respect to the construction industry; and it may be necessary to institute such controls in other sectors in the future. A wage-price board could provide the clear, impartial analysis and recommendations on which to base such actions.

In addition to the establishment of a national "incomes policy," it has been suggested that other steps may have to be taken by Congress and the executive branch to solve the problem of persistent inflation in the face of substantial unemployment. Therefore a companion piece of legislation is also being introduced today which would create a National Commission on Productivity to replace the one established by Executive order. This commission would work through regional and local organizations to enlist the cooperation of labor, management, and State and local governments in efforts to promote increased productivity and efficiency. There is little doubt that new policies and increased cooperation are needed in this area and, therefore, the new commission will fulfill a useful purpose.

In addition, I support efforts to encourage new capital investments by business, in the form of liberalized depreciation allowances. I share Dr. Arthur Burns' concern that additional monetary and fiscal stimuli should not be applied at the present time; however, if the present rate of economic recovery continues to be sluggish, this decision may have to be reviewed. While the thrust of monetary and fiscal policies must be sufficiently stimulative to assure a satisfactory recovery in production and employment, we must also be careful to avoid excessive monetary expansion or unduly stimulative fiscal policies.

The painful fact is that inflationary pressures persist in our economy and represent serious obstacles to economic recovery. Consumers and businessmen alike will remain conservative in their spending patterns as long as this situation prevails. While President Nixon has moved effectively to curb inflation and eliminate unemployment, public confidence in Government's ability to deal with our economic problems has not been restored appreciably.

We must recognize that the traditional rules of economics are not working, and that additional measures are needed. Inflation must be treated as a nonpartisan matter affecting every American; and effective solutions must be implemented to achieve wage and price stability.

I am hopeful that the distinguished chairman of the Committee on Banking, Housing and Urban Affairs, Senator JOHN SPARKMAN, will hold hearings on the National Commission on Wages and Prices Act, as soon as possible. I also urge the President to support this measure and to utilize those tools already at his disposal to dampen inflationary pressures and expectations. In the absence of such policies, the United States may be subjected to serious inflationary pressures for many years to come, with continuing dislocations in our economy and untold hardships for many Americans.

By Mr. JAVITS (for himself, Mr. SCHWEIKER, Mr. TAFT, Mr. BEALL, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOPER, Mr. HATFIELD, Mr. MATHIAS, Mr. PERCY, Mr. SAXBE, Mr. STEVENS, Mr. WEICKER, and Mr. GURNEY):

S. 2414. A bill to increase U.S. productivity in the national interest and for the benefit of the individual worker and businessman, by promoting mutual understanding and cooperation between labor and management, encouragement of public responsibility in the private economy, and maximization of technical and managerial progress, through the establishment of a National Productivity Council and the support of local and industry-wide labor-management-public committees. Referred to the Committee on Labor and Public Welfare.

NATIONAL PRODUCTIVITY ACT OF 1971

Mr. JAVITS. Mr. President, I wish to state to the Senate that earlier today a group of 14 Senators, introduced two pieces of legislation of the greatest importance to the economic future of the country, and, in my opinion, and the opinion of my colleagues, to the morale and motivation of the American people.

Mr. President, the group of 14 Senators differs in respect of two Senators, in that the Senator from Maryland (Mr. BEALL) and the Senator from Illinois (Mr. PERCY) joined in one of the bills I am about to introduce, entitled the National Productivity Act of 1971, and the Senator from Idaho (Mr. JORDAN) and the Senator from Florida (Mr. GURNEY) did not join in this bill but joined in a bill introduced by the Senator from Massachusetts (Mr. BROOKE), which proposes the establishment of a National Commission on Wages and Prices.

Mr. President, the purpose of this particular measure, the National Productivity Act of 1971, is to stimulate the productive effort of the United States through the establishment by law of a National Productivity Council, which the President has already appointed. Indeed, the bill appoints as the first council those members already serving, but it gives the council legislative standing rather than statutory standing, should this bill become law. The bill also provides for adequate funding of the Commission and its local organizations and more clearly specifies the functions this Council should undertake.

Mr. President, this bill goes to the local, regional, and plant level to deal with problems of absenteeism, waste, technology, training, and quality control, all of which are derived from a very rich and successful experience which we had in World War II, with a similar organizational structure.

We feel very strongly, Mr. President, that there has been such an erosion of the motivation of the American worker in recent years and that the productivity of the American worker has been so sharply reduced—a phenomena which is unnatural, uncommon, and unusual for the United States. As a result a patriotic effort of this character calling upon the best in the tradition of the American people is an essential element in restoring the confidence of our people in our national destiny.

Mr. President, the facts are that for the last 6 years, since 1965, the productivity of the United States, figured by the Bureau of Labor Statistics in a most authoritative way, has been the lowest of any industrial country of the world. Talking about bad news, this is just about as bad as news can be for the United States as a power in the world and for the American people individually, in terms of the achievements of our country, of which we are traditionally so proud.

Mr. President, aside from the United States, the countries compared are Belgium, Canada, France, West Germany, Italy, Japan, Netherlands, Sweden, Switzerland, and the United Kingdom.

Our productivity increase has averaged in those years 2.1 percent. The next lowest is Canada with a 3.5 percent, and after that the United Kingdom with 3.6 percent. Mr. President, that is compared with Japan of 14.2 percent and with the Netherlands at 8.5 percent and Belgium at 6.8 percent.

Mr. President, I ask unanimous consent that a chart prepared by my office from figures of the Bureau of Labor Statistics may be made a part of my remarks.

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

AVERAGE PERCENT INCREASES OF PRODUCTIVITY, COUNTRY BY COUNTRY

	1965-66	1966-67	1967-68	1968-69	1969-70	Average 1965-70
United States	1.2	0.1	4.6	2.1	1.5	2.1
Belgium	7.1	7.4	8.1	6.6	3.9	6.8
Canada	2.7	1.8	6.0	3.8	2.1	3.5
France	6.8	5.6	7.4	7.1	5.7	6.6
West Germany	3.6	6.4	6.9	5.5	2.2	5.3
Italy	4.7	4.2	8.0	3.9	4.1	5.1
Japan	10.5	14.5	14.8	15.0	15.0	14.2
Netherlands	5.9	6.6	11.1	8.8	9.1	8.5
Sweden	5.6	7.8	10.9	7.7	5.4	7.9
Switzerland	5.1	5.0	5.3	10.3	4.3	6.2
United Kingdom	3.0	3.0	6.1	2.2	3.1	3.6

Mr. JAVITS. Mr. President, this is a cause for the deepest alarm and concern, and reflects the terrible erosion of motivation and spirit, because that is what it comes down to in the final analysis. Production is not unlike war in that no matter what weapons people are given, it still depends on the morale of those to whom the weapons are given. It is the same in productivity and the morale of workers.

We 14 Senators hope this may be realized as the national crisis that it is and that by establishing self-help organizations with national sponsorship, as we did in World War II—and the crisis no less on the local, regional, and plant level—to evidence our concern.

There is no great amount of money involved. We hope the road back may be tried. This comes at a uniquely important time when we are getting out of the Vietnam war, when the President is going to open the door to new relationships with the Peoples Republic of China, when the SALT talks are going on, and when people are getting frustrated by the twin engines of inflation and unemployment.

Mr. President, the other bill deals with the effort to place restraints on wage and price increases in an intelligent way which we feel to be compatible with our effort because we are all Republican Senators.

We hope these twin measures may be regarded as constructive proposals which Senators, seriously concerned with what we see happening in our country, will accept and that the administration may learn and profit from the program we suggest.

Indeed, we have reason to feel after the announcements of the President and the Secretary of the Treasury today that we have been very thoroughly heard at the White House and by the executive department and that we have a right to expect things will begin to develop along these lines.

I shall seek early hearings in the Committee on Labor and Public Welfare, to which the productivity bill will be referred, as I understand it, just as the bill of the Senator from Massachusetts (Mr. BROOKE), establishing a national commission on wages and prices, will be referred to the Committee on Banking, Housing and Urban Affairs. I hope for the most thorough and searching hearings, but there is no more important business before the country than the business of doing what these two measures hope to begin as the process of the regeneration of America, considering the dark shadow and valley through which we have passed and from which, I hope and pray, we are just about emerging.

I ask unanimous consent that the statement of the Secretary of the Treasury, issued today, in response, I believe, to what we have tried to start, may be made a part of my remarks and printed in the RECORD at the conclusion thereof. Also I refer my colleagues to the wire services which indicate that President Nixon addressed this subject in his news conference today.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, may I say also that if other Senators desire to join in these creditable activities, I know my colleagues and I will be deeply honored to be joined by those other colleagues sympathetic to these approaches.

EXHIBIT 1

STATEMENT OF TREASURY SECRETARY CONNALLY

The plans of Senators to introduce legislation for some form of wage and price review board and which would broaden the authority of the White House Productivity Council should provide the forum for a useful discussion of important economic issues.

A great many proposals of this kind have been made recently by economists, businessmen and public officials in speeches, statements and papers. As a result, because the proposals have not been specific, confusion exists in the public mind as to the meaning of the suggestions and as to the meaning of such terms as "incomes policy."

While the Administration, which has studied the subject of wage and price controls thoroughly, has found their imposition unwarranted under current circumstances, a full-fledged debate in the Congress may well serve a useful purpose and focus broader attention upon the economic realities facing the nation.

Such a review, if it is to help clear up the confusion and objectively analyze important questions, must be extensive, thorough and comprehensive. It should explore the historical record during the periods when we have had wage and price programs, and it should probe carefully the extensive experience of other nations.

Among the questions which need exploring are:

1. How effective have various approaches been?

2. What type of organization would be set up to administer the program? Would there be only one national Board, or many regional and local ones? How would they be staffed, by volunteers, government employees?

3. How would legislation be implemented? How would it be enforced? What would be the penalties for violation? Would there be roll back authority? What if workers strike against a decision? What type of appeal from decisions would there be?

4. What will be the criteria for appropriate wage and price action? How would it affect escalator clauses in existing wage pacts? Will industries be allowed price increases where prices and profits are low to start? Would low wage workers, say those at the poverty level, be denied wage increases?

5. How comprehensive should the scope of these measures be? Would interest rates, both rates paid and received, be controlled? If interest rates were controlled, would there also have to be controls on allocation of credit determining who was or wasn't eligible? Would legal and medical fees be included? Taxes? Prices of homes, businesses, stocks, bonds, tuition, rents, trade-in's?

6. What would be the effects upon our balance of trade? Would any form of controls build in a significant disadvantage for our goods relative to those imported into this country and to the competitive position of our products abroad?

7. What happens when such legislation is no longer needed? How will we tell when such legislation is no longer needed?

If these questions are objectively and exhaustively pursued, analyzed and discussed, the result undoubtedly will be a clearer definition of terms and conditions presently under discussion and bring into clearer focus the actual economic situation of the nation.

By Mr. ALLOTT (for himself, Mr. JORDAN of Idaho, and Mr. DOMINICK):

S. 2415. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772). Referred to the Committee on Labor and Public Welfare.

AUTHORIZATION OF GRANTS FOR STATE MINE INSPECTION PROGRAM

Mr. ALLOTT. Mr. President, on behalf of myself and the Senator from Idaho (Mr. JORDAN) I send to the desk for appropriate reference a bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966.

As Senators will recall, section 16 of the Federal Metal and Nonmetallic Mine Safety Act provides for States to assume responsibility for implementing and enforcing a State plan of mine inspection. Subsection 16(c) sets forth the criteria under which the Secretary of the Interior may approve a State plan of inspection.

Mr. President, for the purpose of clarity I ask unanimous consent that the provisions of subsection 16(c) of Public Law 89-577 (80 Stat. 772) be printed in the RECORD at this point.

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

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, whenever the State gives evidence satisfactory to the Secretary that under such plan—

(1) the State agency submitting such plan is the sole agency responsible for administering the plan throughout the State and contains satisfactory evidence that such agency will have the authority to carry out the plan: *Provided*, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will not be endangered by the use of such other State structure or arrangement,

(2) such agency has adequate legal authority to enforce existing health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in mines in the State that are subject to this Act, which are, in his judgment, substantially as effective for such purposes as the mandatory standards designated under section 6(b) and which provide for inspection at least annually of all such mines, other than quarries and sand and gravel pits,

(3) the agency has adequate qualified personnel necessary for the enforcement of the plan,

(4) the State will devote adequate funds to the administration and enforcement of such standards,

(5) reasonable safeguards exist against loss of life or property arising from mines which are closed or abandoned after the effective date of this Act, and

(6) the agency shall make such reports to the Secretary, in such form and containing such information, as the Secretary shall from time to time require.

Mr. ALLOTT. It should be noted, Mr. President, that the Secretary is required to "make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan." This evaluation is to be based upon the reports required by the Secretary and upon "his own inspection of mines" as provided in subsection 16(d) of the act.

Mr. President, I ask unanimous consent that subsection 16(d) of Public Law

89–577 be printed in the RECORD at this point.

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

(d) The Secretary shall, on the basis of reports submitted by the State agency and his own inspection of mines, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

Mr. ALLOTT. Mr. President, under these very stringent controls, it is clear that the State inspection programs are, in fact, an extension of the Federal program. This is further supported by the fact that under subsection 16(d) the Secretary may withdraw approval of the State plan, and the plan "shall cease to be in effect." If a State plan is discontinued under the provisions of subsection 16(d), the Federal Government then assumes the full cost of the mine safety program.

This circumstance, is a strong disincentive for the States to assume the burden of metal and nonmetallic mine safety, since all a State has to do to be relieved of the financial burden is nothing. In other words, simply by default in its mine safety program, the State is relieved of the costs of the program and the Federal Government takes over.

When the Congress enacted the Metal and Nonmetallic Mine Safety Act, it contemplated the continuance of State inspection programs for a number of reasons:

First, some States already had a fine inspection program and had sufficient trained personnel to enforce it. The Federal Government was sadly deficient in trained personnel, and it was recognized that it would take years for it to be fully staffed. Consequently, immediate assumption of the full responsibility would have left many of the mines in many States with no safety or inspection program.

Second, there was a recognition of special problems in some States due to terrain, geology and climate. Some States had developed programs in addition to the program as authorized under the Metal and Nonmetallic Mine Safety Act to deal with these special problems. Subsection 19(b) of the act makes this quite clear that it states that the act does not supersede any State law which provides greater safety to miners or which provides for the safety of miners which is not provided under this act.

Mr. President, I ask unanimous consent that subsection 19(b) be printed in the RECORD at this point.

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

(b) Provisions in any State or territorial law in effect upon the effective date of this Act, or which may become effective thereafter, which provide for greater safety of persons in a mine as defined in this Act, than do provisions of this Act, which relate to the same phase of such operations, shall not be construed or held to be in conflict with this Act. Provisions in any State or territorial law in effect upon the effective date of this Act, or which may become effective thereafter, which provide for the safety of persons in a mine as defined in this Act concerning which no provision is contained in this Act, shall not be construed or held to be superseded by this Act.

Mr. ALLOTT. Mr. President, it is evident, that the States which have gone the second mile, and have made the extra effort are being penalized, since they must not only assume the Federal responsibility but have also continued to assume the additional and special responsibility peculiar to that particular State's mining industry. Such a penalty is a disincentive to the State in continuing its mine inspection program and increases its difficulties in obtaining adequate State funding, all of which does not inure to the safety of the miner.

In other words, by providing that the total cost of the federally approved State inspection program will be borne by the State, the Federal Metal and Nonmetallic Mine Safety Act tends to work against the safety of some miners. This was, obviously, not the intention of Congress.

The bill I introduce today will help alleviate this counterproductive effect by providing for grants to States which administer approved State inspection programs. The maximum allowable grant under the bill would be 50 percent of the cost to the State. The special State safety programs would remain a State funded operation.

Contrary to its appearance, the grant program to be authorized by this bill will likely result in a reduction in the Federal cost of the overall program. This result will obtain due to the fact that the participating State will shoulder at least half the cost. The amount of the savings to the Federal Government will depend upon the number of States which decide to participate.

In anticipation of the introduction of this legislation I asked the Bureau of Mines to prepare some estimates of the annual budgets of selected States, of which not more than one-half could be subject to the grant provisions.

Mr. President, I ask unanimous consent that the memorandum from the Director of the Bureau of Mines, Dr. Elburt F. Osborn, be printed in the RECORD at this point.

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

ESTIMATED STATE MINE INSPECTION AGENCY BUDGETS

In the following listing of State Mine Inspection Agency Budgets, the first section includes the three States which have signed State Plan Agreements and three with whom we are on the verge of signing.

The second listing includes States where discussions are being held or where an interest has been indicated.

These budget figures are Bureau, not State estimated.

List 1—Approximate annual budget

California	$335,000
New York	330,000
Colorado	253,700
Arizona	251,000
Washington	238,000
New Mexico	223,500

List 2—Approximate annual budget

Nevada	130,000
Utah	165,000
Wyoming	125,000
Idaho	125,000
Montana	100,000
Alaska	90,000
Wisconsin	100,000
Virginia	125,000
Pennsylvania	175,000
Minnesota	130,000
Michigan	120,000
Missouri	175,000
Oklahoma	125,000
Tennessee	125,000
Louisiana	100,000
Total, 21 States	3,541,200

In arriving at the figures listed above the cost of manning and equipping an inspection agency capable of performing to full Bureau standards was used. Manpower requirements for inspection, supervision and support were based on a State's mineral production and number of reported producing operations. To this, an estimate of direct operating costs was added.

These figures do not include the cost of providing facilities for dust counting or analysis of dust, gases, mists, fumes, vapors, noise or products of radiation. The Act requires health studies which means the State must have the capability of providing for complete industrial hygiene surveys of all mines within their State. The minimum requirements of a laboratory of this type would include the following equipment:

Atomic Absorbtion Spectrometer.
X-ray Defraction Spectrometer.
Infrared Spectrometer.
Ultraviolet Visual Spectrometer.
Microscope.
Micro Projector.
Field instruments for collecting dust.
Laboratory furniture.
Wet analysis materials.

The cost of this equipment would be approximately $125,000.00.

An expenditure of this type is not one which would be required each year as the equipment has a reasonably long life. Depreciation and operating costs have not been included.

In view of the high cost to a State to provide these testing facilities it might be appropriate to provide for a grant to a State University to establish the capability of testing and analyzing all samples presented by the State mine inspection agency. Were equipment of this type available at a College or University, it could be well used in student instruction and graduate research.

Some State educational institutions have some or all of the equipment required, so not all grants would have to be of a maximum amount.

Mr. ALLOTT. Mr. President, it should be noted that the estimate indicates a cost of equipment at approximately $125,000. The memorandum states that because of the costs of the equipment, and its reasonably long life, that a grant to a State university to establish a testing and analyzing capability may be necessary. The memorandum also points out that:

Were equipment of this type available at a College or University, it could be well used in Student instruction and graduate research.

Mr. President, I wish to observe that the Senate acted favorably earlier this month on legislation which could provide such testing and analyzing equipment at State universities. I am referring to a bill I sponsored, S. 635, which provides for the establishment of State

mineral institutes. This is just one more benefit which would result from the final enactment into law of S. 635.

After Senators have had an opportunity to review this bill and the situation within their own States, speaking for myself and Senator JORDAN, we would welcome additional cosponsors.

Mr. President, I urge early action on this necessary measure.

By Mr. MONTOYA:

S. 2416. A bill to authorize the establishment and carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

INDIAN EDUCATION ACT OF 1971

Mr. MONTOYA. Mr. President, today I am introducing a bill that would provide for sweeping changes in the system of education provided for American Indians and Alaskan Natives. This bill has come about as a result of extensive discussions with representatives of the Indian community throughout the country. Earlier this spring, I engaged in a series of field hearings on the subject of economic development. My subcommittee took these hearings to all parts of the country, specifically to Indian populations in Alaska, New Mexico, and California. I took every opportunity during these hearings to discuss Indian education, particularly after the formal hearings had been completed for the day.

The introduction of Indian education bills by Senators KENNEDY and JACKSON earlier this year greatly aided my deliberations on this subject. The introduction of these bills, which on their own would contribute to improvements in the education of American Indians, provided me with an opportunity to study views expressed about specific legislative recommendations.

Mr. President, a theme common to discussions and hearings relative to Indian education is increased Indian control of their own destiny. The Office of Economic Opportunity's philosophy of placing with the Indian communities the responsibilty for administering their own affairs, planning their own programs and solutions, and managing their own funds brought about significant changes and positive shifts in the lives of Indian people and in the administraton of local, State, and Federal Indian affairs. Indians are asking that this philosophy permeate all facets of Indian life, including education.

My bill would enact this philosophy in all aspects of Indian education. I will give a more detailed discussion of the bill later in my statement; however, I should like to point out that my bill provides for the creation of local Indian school boards—with reference to federally controlled schools—and local Indian advisory organizations—with reference to public schools with Indian populations enrolled. These local boards would gain control over significant portions of the Federal programs and funds used presently for Indian education.

Though the concept of allowing Indians to control their own lives is a simple one, it is an idea that has had great difficulty in gaining acceptance. We as a nation have been very reluctant to allow Indians to make their own decisions. This in turn has meant a denial of the right to take beneficial actions, as well as harmful mistakes. We have been altogether too willing to make the mistakes for the Indian population. As a result, it seems impossible to imagine a situation where more mistakes could have been made.

In the recent past, the Federal administration of Indian affairs was a rather paternalistic, authoritarian management process. Indian communities, understandably, chose negative responses to this kind of administration. They either totally opposed Federal involvement in their lives or succumbed entirely to paternalism. A few chose to make meaningful progress for their people in this stifling atmosphere. There were altogether too few bright spots in this picture.

The old philosophies used in this country for so many years have led to a tragic state in American Indian education. There are nearly 800,000 Indians in America today, of which 200,000 are of school age. Yet only 1 percent of these school age children have Indian teachers in their elementary school years. Forty thousand members of the Navajo tribe, roughly one-third of the entire population, are now functionally illiterate. The average years of school completed for American Indians is a mere five.

The Cherokee Nation, under a program whereby Cherokees controlled and operated their own education system, reached a state of nearly 100 percent literacy in the early 1800's. Now, after almost 70 years of Federal or State control of Indian education, the Cherokee adult population is 40 percent functionally illiterate in English. The median educational level is only 5.5 years. In short, by shifting from a program of local control to one of State and Federal supervision, the Cherokee Nation has been brought to a point where their educational profile now parallels the worst of any minority group in the country.

One of the bright spots in American Indian education today is the role of the Bureau of Indian Affairs in helping to foster Indian controlled schools in Ramah, N. Mex., Rocky Boy, Mont., and Rough Rock, Ariz. Indians throughout the country are enthusiastic about the changes that are occurring in these schools. Indians are once again in control of the educational system that determines so much of their life. These three projects should be seen as pilot projects rather than as experimental projects. They are pilot projects simply because the thrust of local control will continue whether or not specific schools encounter particular difficulties in their development.

Mr. President, American Indians do not want to be cut off from the Federal Government. They simply ask that things not be done for them but rather that they do things for themselves. When they want assistance, they want it on their own terms. This seems to me to be a wholesome development, for it shows the independence and drive that is necessary for the development of a cohesive community and the kind of motivation that leads to meaningful economic and social development.

Indian tribes and Indian individuals have proved their right and capability to govern themselves and to control funds and programs. Operating locally through their tribal councils, through their community action agencies, through tribal housing authorities, through individually owned Indian enterprises, and through local Indian-controlled schools, the Indian people have claimed their right to ascertain their own needs and problems; to design and develop the programs and solutions to meet these needs and problems; to manage and administer funds; and to staff and direct overall efforts.

Within the context of self-determination, the entire public and private effort is increasingly changing and progressing. This embryonic philosophy is sweeping across the country in relation to the role of Indians in American culture. It suggests that Indians can best cope with the creation of an improved life and accelerated economic development by being allowed to develop and control their own culture, rather than through the implantation of a foreign culture upon them.

More significant has been the enlightened attitude of the present administration toward Indian affairs. The President's July 8, 1970, Special Message to Congress on Indian Affairs set the tone. Its action words are: self-determination, self-help, antitermination, and local control. Indian tribes and Indian people are to be involved in the determination of their own destinies; to be consulted by Federal officials in planning and developing solutions to their problems; to be assured of the continuing existence of the special relationship between Indian tribes and the United States; and to be placed in control of their own programs and of the funds appropriated for them. This movement is relatively young, although the desire is very old.

Indian control of the educational programs that affect their children is at the heart of community development among the Indian people in America. Education is basic to the development of skills that are vital in coping with present day society, but it is also vital as a focal point for the interaction of traditionally oriented parents on the one hand, and the modernization process of today's educational systems on the other. If Indians are encouraged to control, develop, and bear the responsibility for such programs, they in turn will grow personally as they begin to develop the social organizations that surround a locally controlled school.

We must stress the psychological and social benefits of local control as well as the strictly educational benefits. James Coleman, in his study entitled "Equality of Educational Opportunity," pointed out how devastating the effects of an alien school system can be on the psychologi-

cal attitudes of the Indian students. Among 12th grade students tested across the country, Indians had by far the lowest view of themselves of all ethnic groups tested. Until Indians are allowed to control their destiny, that finding will not be reversed.

SHORT ANALYSIS OF BILL

My bill would foster a significant amount of local control of Indian education to Indians in Federal schools and in non-Federal schools that serve significant Indian populations. Here is a brief analysis of each section of the bill:

Section 1 states that the purpose of the bill is to foster maximum Indian participation and control with sufficient funds and technical assistance to accomplish that objective.

Section 2 expands the role of the Bureau of Indian Affairs in Indian education. It gives the Secretary the power to establish a national program, including construction of facilities, responsive to the needs of Indians enrolled in Federal, public or private school systems, to negotiate contracts for the administration of Johnson-O'Malley funds with Indian organizations; to provide for the presentation of an Indian education budget; to establish local Indian school districts and boards, and to provide training and technical assistance to foster such boards and districts. The Bureau will pay all costs involved.

Section 3 authorizes the Secretary to enter into contracts with State or local education agencies for the purpose of assisting the State or agency in the construction or acquisition of classrooms and other facilities necessary for the education of Indians enrolled in schools in non-Federal school districts adjacent or in close proximity to Indian reservations; $27.4 million is authorized for this section.

Section 4 authorizes the Secretary to make payments to Indian school districts or boards created in section 2 for the purpose of assisting such district or board in the construction or acquisition of classrooms and other facilities necessary for the education of Indian students; $27.4 million is authorized for the purpose of carrying out the provisions of this section.

Section 5 authorizes the Secretary to make grants to Indian tribes, Indian communities, and nonprofit Indian organizations established to deal with education matters to enable them to enter into contracts with State, Federal, and private education agencies for the purposes of supporting planning, pilot, and demonstration projects and innovative programs to meet the special educational needs of Indian children. It provides for preservice and inservice training for persons who will or are serving Indian children. It also provides for the dissemination of information as well as the evaluation of the effectiveness of federally assisted programs concerning education. This section authorizes $20 million the first year and $30 million in each of the 4 succeeding years.

Section 6 requires that the Secretary, in carrying out his duties under section 2, obtain the approval of tribal organizations, school boards, or any Indian group organized for the purpose of this section. It is also the duty of the Secretary to encourage the active participation of Indians in the development and carrying out of Indian education programs.

Section 7 amends the Higher Education Act of 1965 to provide funds for persons and programs which provide for training and retraining vocational education personnel who are serving or will serve in BIA schools. The Vocational Education Act of 1963 is amended to have 2 per centum reserved and transferred to the Secretary for use by him in making grants and entering into contracts to assist Indians.

Section 8 authorizes the Secretary to make payments to any Bureau of Indian Affairs schools for the purpose of assisting such schools in the construction or acquisition of classrooms and other facilities necessary for the development of an exemplary vocational education program for Indian students.

Section 9 establishes an Office of Indian Education within the Bureau of Indian Affairs and creates a Commissioner of Indian Education who has line authority over the Federal school system. Under the direction of the Secretary, he has the responsibility of administering all laws, programs, and funds, under the jurisdiction of the Department of the Interior, involving or relating to the education of Indians. Although the Office of Indian Education acquires a sense of autonomy, the Commissioner of Indian Education works closely with the Commissioner of Indian Affairs in areas relating to Indian education. The Commissioner of Indian Education is free to utilize those supportive services necessary for the proper functioning of the Office of Education.

Section 10 defines "Indian" and "Tribal Organization."

Section 11 authorizes such sums as may be necessary to carry out the provisions of this act for which no appropriation is specifically provided.

In the proposed bill, an Office of Indian Education headed by a Commissioner of Indian Education is established within the Bureau of Indian Affairs. This office is given a sense of autonomy and is assigned an expanded role in the field of Indian education. In addition to operating the Federal school system, the Commissioner of Indian Education is charged with the responsibility of developing the Federal school system into an exemplary system. He would work closely with Indian people in order to provide maximum Indian participation and control—especially at the local level. Nothing in this bill, however, is to be construed as relieving the Commissioner of Indian Education of his responsibility in fostering Indian controlled schools or in allowing the transfer of Indian students into public schools.

I made the decision to place this provision in the bill after long and careful consideration and discussion with the Indian population of the country. Somewhat to my surprise, I found that Indians throughout the country are rather critical of the establishment of a totally new national agency having control over Federal Indian education. Equally significant is the reaction of the Bureau of Indian Affairs to the new awareness of Indian capability to develop and manage programs. The BIA has opened its paternalistic grip and has begun program innovations. These recent changes in the programs adopted by the Bureau of Indian Affairs seem to have developed a more favorable attitude toward the BIA among the Indian population. The Bureau still remains a familiar Federal organization to many Indians at a time when the Federal bureaucracy is constantly expanding and reorganizing.

On the basis of these feelings, it appears to me that a shift in Indian education completely away from the Bureau would tend to disorient many Indians who have now come to understand that organization and have acquired special knowledge of the Bureau's structure. At the same time, the quality and quantity of Federal Indian education within the Bureau of Indian Affairs must experience considerable improvement if Indians are to realize the same levels of social and economic life enjoyed by other Americans. An Office of Indian Education established within the Bureau of Indian Affairs and headed by a Commissioner of Indian Education with line authority would have the capability—the obligation—to provide every Indian child with an outstanding education.

Mr. President, passage of the Indian Education Act of 1971 would be a significant step in the direction of developing improved Indian education and fostering substantial growth in community development among the Indian peoples of America. I plan to press diligently for the enactment of this legislation, and hope that I might be joined by my colleagues in both Houses of Congress.

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

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

S. 2416

A bill to authorize the establishment and carrying out of a National Indian education program, the establishment of local Indian school boards, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in recognition of the special educational needs of Indian children and adults and the obligation of the United States to respond to those needs, the Congress hereby finds and declares that it is essential that the Federal Indian school system be developed into an exemplary system, including the development of educational programs in Federal Indian schools, public schools with Indian enrollments, and model schools to meet both social and educational goals of Indians. The Congress further declares that any such system, if it is to be effective and accomplish its goals, must (1) provide for maximum Indian participation and control (especially on a local level) in the development and administration of such system, (2) have sufficient Federal funds available to carry out Indian educational programs, and (3) provide technical and other assistance to Indians to enable them to develop the skills and knowledge

necessary to participate in the operation of such system.

(b) While it shall be the policy of Congress to cause the Federal Indian school system to be developed into an exemplary system, nothing in this Act shall be construed as relieving the Department of the Interior of its responsibility in carrying out the practice of transferring Indian students into public schools or integrating Federal Indian schools into public schools.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") is vested with the following powers and duties:

(1) to develop and carry out a national Indian education program, including construction of facilities, responsive to the needs of all Indians enrolled in Federal, public or private school systems, vocational institutions, and, institutions of higher education;

(2) to enter into contracts or other agreements with Indian tribal organizations pursuant to which such organizations shall administer funds made available in connection with the program authorized for Indian education under the Act of April 16, 1934 (48 Stat. 596), as amended (the so-called "Johnson-O'Malley Act"), and funds made available to the Secretary under sections 7 and 8 of this Act;

(3) the preparation and presentation of the budget for Indian education to the Office of Management and Budget, and the Congress;

(4) to establish, at the request of any tribal organization, local school districts comprising Federal Indian schools within the area over which such organization has jurisdiction and control;

(5) to establish, at the request of any Indian tribal organization, local school boards which shall have the responsibility, subject to appropriate standards and criteria established by the Secretary, for the control and operation of Federal Indian schools located within a district established at the request of such organization pursuant to paragraph (4) of this subsection; and

(6) to make available training and technical assistance to such tribal organization in connection with the establishment and operation of school boards within its school districts, and in the carrying out of the programs and policies of local school boards and the Secretary, and to take such action as may be necessary to inform Indian tribal organizations with respect to the availability of such assistance under this paragraph.

(b) The Secretary shall, by contract, grant, or otherwise, make payments to Indian tribal organizations and school boards established pursuant to this Act, to defray all costs incurred by them in providing for the education of Indians in accordance with the provisions of this Act.

SEC. 3. (a) The Secretary is authorized to enter into a contract or contracts with any State or local educational agency for the purpose of assisting such State or agency in the construction or acquisition of classrooms and other facilities in non-Federal school districts adjacent or in close proximity to Indian reservations necessary for the education of Indians residing on any such reservation. Any such contract entered into by the Secretary pursuant to this section shall contain provisions requiring such contracting State or agency to—

(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district;

(2) operate such facilities as a part of the public school system and provide a program of instruction meeting the standards required by such State or local educational agency for other public schools under the jurisdiction or control of such agency; and

(3) meet, with respect to such facilities acquired or constructed pursuant to such contract, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control.

(b) No contract shall be entered into by the Secretary under this section unless the terms thereof have been first approved by each tribal organization or school board established pursuant to this Act, as the case may be, having jurisdiction over any Indian students covered or otherwise affected by such contract.

(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated, for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, the sum of $27,400,000, and for each fiscal year thereafter, such amount as may be provided for by the Congress.

SEC. 4. (a) The Secretary is authorized to make payments, by grants or otherwise, to any school district established pursuant to section 2 for the purpose of assisting such district in the construction or acquisition of classrooms and other facilities (including all necessary equipment) necessary for the education of Indian students. Such payments shall be made at such times, in such manner, and pursuant to such conditions as the Secretary may prescribe.

(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, the sum of $27,400,000, and for each fiscal year thereafter, such amount as may be provided for by the Congress.

SEC. 5. (a) The Secretary is authorized to make grants to Indian tribes, Indian communities, and nonprofit Indian organizations established to deal with education matters, to enable such tribes, communities, or organizations—

(1) to enter into contracts with State and local education agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including Federally supported elementary, secondary and post secondary schools for Indian children) for the purposes of supporting planning, pilot and demonstration projects which are designed to plan for, test, and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children; and

(2) to enter into contracts with State and local educational agencies (including Federally supported elementary, secondary and post secondary schools for Indian children) for the purposes of carrying out programs, either directly or through grants to, or contracts with, such agencies to develop or establish programs specifically designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated.

(b) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this section shall give preference to Indians and may be used for the establishment of fellowship programs leading to an advancing degree, for institutes, and, as part of a continuing program, for seminars, symposiums, workshops, and conferences. At least 15 per centum of the funds appropriated under the authority of subsection (d) of this section shall be devoted to the purposes of this subsection.

(c) The Secretary is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purpose of such programs with respect to such children. At least 5 per centum of the funds appropriated under the authority of subsection (d) of this section shall be devoted to the purposes of subsection (c).

(d) For the purpose of making grants and entering into contracts under this section, there are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for each of the four succeeding fiscal years.

SEC. 6. In carrying out his duties under section 2(a) of this Act, the Secretary shall consult with the appropriate tribal organization having jurisdiction over the Indians affected thereby, and in no case shall the Secretary in carrying out his duties under this Act, enter into any contract or other agreement, or make any payment (by grant or otherwise), unless the tribal organization, or school district established in accordance with this Act, as the case may be, having jurisdiction over the Indian student affected thereby, first gives its approval to such contract or payment. For purposes of this section, in those cases where Indian students affected by any such contract or payment are not under the jurisdiction of any such school district or tribal organization, the Secretary shall, prior to making such contract or payment, also obtain the approval of any group, comprising a substantial portion of the parents of such Indian students, organized for the purposes of this section and approved by the Secretary. The Secretary shall encourage the active participation of Indian tribal organizations in the development and carrying out of Indian education programs under this Act, including the preparation of the budget for Indian education.

SEC. 7. Part F of title V of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"VOCATIONAL TRAINING AND DEVELOPMENT PROGRAMS FOR INDIAN EDUCATIONAL PERSONNEL

"SEC. 556. (a) Notwithstanding any other provision of this part, 2 per centum of the funds appropriated pursuant to this part shall be available only—

"(1) for persons, who would otherwise qualify for programs under section 552 of this part, and who are serving or preparing to serve as vocational educational personnel in schools operated for Indians by the Department of the Interior; and

"(2) for programs which would otherwise be eligible for assistance under section 553 of this part and which provide training and retraining for vocational educational personnel who are serving in schools operated for Indians by the Department of the Interior."

(b) Part C of title I of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new section:

"SEC. 135. Notwithstanding any other provision of this part, the Commissioner, from sums appropriated to carry out this part, shall reserve an amount equal to 2 per centum thereof and shall transfer such amount to the Secretary for use by him in making grants and entering into contracts, compa-

rable to those provided for in this part, to assist Indians."

(c) Section 142 of part D of title I of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this part, the Commissioner, from sums appropriated pursuant to this part, shall reserve the amount equal to 2 per centum thereof and shall transfer such amount to the Secretary for use by him in carrying out programs, comparable to those provided for under this part, to assist Indians.".

SEC. 8. (a) The Secretary is authorized to make payments, by grants or otherwise, to any Bureau of Indian Affairs schools for the purpose of assisting such schools in the construction or acquisition of classrooms and other facilities (including all necessary equipment) necessary for the development of an exemplary vocational education program for Indian students. Such payments shall be made at such times, in such manner, and pursuant to such conditions as the Secretary may prescribe.

(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $30,000,000.

SEC. 9. (a) There is hereby established within the Bureau of Indian Affairs, Department of the Interior, the Office of Indian Education, which shall be headed by a Commissioner of Indian Education. The Commissioner of Indian Education shall be appointed by the President of the United States, with the advice and consent of the Senate and shall receive compensation at a rate equal to that provided the Commissioner of the Bureau of Indian Affairs.

(b) The Commissioner of Indian Education, under the direction of the Secretary, shall have the responsibility of administering all laws, programs, and funds, under the jurisdiction of the Department of the Interior, involving or relating to the education of Indians.

(c) The Commissioner of Indian Education, with the approval of the Secretary, is authorized to appoint and fix the compensation of such personnel as he deems necessary to carry out the purposes of this section.

SEC. 10. As used in this Act or any amendment made by this Act, the term—

(1) "Indian" means any individual who (A) is or was an enrolled member of a tribe, band, or other identifiable group of Indians, including those tribes, bands, or groups terminated since 1940 and those now or hereafter recognized by the State in which they reside, or who is a descendent, in the first or second degree, of any such enrolled member or formerly enrolled member, or (B) is considered by the Secretary to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native; and

(2) "Indian tribal organization" or "tribal organization" means any formally or informally organized, band, or other identifiable group of Indians.

SEC. 11. For the purpose of carrying out the provisions of this Act for which no appropriation is specifically provided for therein, there is authorized to be appropriated such sums as may be necessary to carry out such provisions.

By Mr. STEVENS (for himself, Mr. GRAVEL, Mr. FONG, and Mr. INOUYE):

S. 2425. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, as one of those deeply involved and deeply committed to the cause of statehood for Alaska and Hawaii, I remember with pride the moment when Alaska became the 49th State in our Union. I remember the feeling of tears welling up in my eyes as our flag was raised over Ft. McHenry on July 4, 1959, and included in that flag was the 49th star representing my State.

As Alaska entered into statehood, Alaskans assumed the burdens and duties of citizenship along with its advantages. Alaskans are proud to be full citizens of the United States and proud of the heritage this country affords.

Part of that heritage is the dignity, courage, and grace of Abraham Lincoln. More than any other man, he was responsible for the preservation and perpetuation of the union of our States. The names of the 36 States which were in the union at the time of Lincoln's death are carved on lintels in the memorial which bears his name. Above them are inscribed the names of 48 States of our Union. Missing are the names of the States of Alaska and Hawaii.

Accordingly, I have today introduced a bill for myself, Mr. GRAVEL, Mr. FONG, and Mr. INOUYE which authorizes and directs the Secretary of the Interior to take such action as may be necessary to inscribe on the Lincoln Memorial, at an appropriate place and in a manner and style consistent with the existing inscriptions of the names of the other 48 States, the names of the 49th and 50th States, Alaska and Hawaii.

By Mr. BIBLE:

S. 2426. A bill to add a new section to title 18 of the United States Code relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659. Referred to the Committee on the Judiciary.

CIVIL DAMAGES FOR CARGO THEFT LOSSES

Mr. BIBLE. Mr. President, if we can take the profit out of cargo thievery and make those individuals who steal, fence, or receive stolen property civilly liable in damages for their acts, I believe a major step will have been taken to curb the biggest billion-dollar racket nationally today—the theft, pilferage, and hijacking of truck, air, rail, and maritime shipments.

This is the goal of a bill I introduce today to permit transport carriers, shippers, or those lawfully in possession of goods moving in interstate or foreign commerce to recover treble damages from any person who steals them during the course of such movement or who buys, receives, or has them in his possession after they have been stolen, having knowledge of their stolen character.

This bill would permit recovery of damages for losses sustained as a result of a violation or conviction under the Theft in Interstate Shipments Act (18 Stat. 659), providing criminal penalties for the theft or purchase of stolen goods moving in interstate commerce. It would add the civil remedy to the present criminal statute.

In brief, this legislation is designed to help take the profit out of marketing stolen goods. Certainly, if a thief does not have a buyer to purchase or "fence" for resale his stolen or "hot cargo," then his market will dry up.

As chairman of the Senate Small Business Committee, I have listened to 2 years of testimony during our transportation theft hearings about how the American shipping public conservatively loses over $1 billion per year in cargo thefts, a loss that the consumer pays much more than that for when the substantial crime-inflated price tag is added.

Numerous witnesses from the transportation insurance, and shipping industries have repeated the same theme; namely, that the huge amounts of cargo stolen must be passed along to unscrupulous buyers for eventual resale in the shady market to make those original thefts profitable. As an example, Mr. Gilbert H. Myer, chief special agent, American Insurance Association, told our committee:

> Many of these things are stolen for order and they are handled by organized crime. The markets are already established and the property is absorbed into our economic system just like a huge dry sponge. It just sucks it all up and it disappears . . . under the veil of secrecy that is very difficult to penetrate.
>
> If we can eliminate the profit motive from a lot of these activities, I believe we have nailed them.
>
> In my opinion and experience, we do not penetrate the activities of the receivers, the fences and the people in possession of this stolen property. The convictions are very infrequent. They are few and far between. The percentage of recovery of stolen property is almost negligible. I do not think it exceeds 5 percent of all property stolen that is recovered. This is one of the fields which goes back to a further facet of this problem.
>
> I think that law enforcement officers have not developed sufficient criminal intelligence concerning the activities of those people who are engaged in this activity. There is a lack of information concerning their activities and people who participate. We are faced with a problem of having a weak link in the chain. The organized criminals do not participate in the actual stickup. They hire people to go out and do these jobs. The participant is paid off as soon as the job is accomplished. He delivers the truck to an intermediary. The intermediary then delivers it to a warehouse. From the warehouse, it is disposed of and put into the channels of disposition.

Mr. President, that statement points up precisely at what this legislation is directed, the seller of stolen goods who may mask as a legitimate merchant but whose source of supply is stolen property. Actually, this probably accounts for a large share of the nearly $1½ billion worth of cargo stolen from all modes of transport in 1970, a 17 to 23 percent increase over the previous year.

As I have said previously, neither Government nor industry has yet been able to mount an effective response to control these losses, whose sources we believe are both highly organized criminals and lesser organized groups, as well as the occasional thief. Our hearings have showed that cargo, especially in air, truck, and maritime areas, have overwhelmed facilities. Efforts by carriers to substitute insurance payments for adequate security measures have left both the carriers and insurance companies in difficult

straits in many instances. And the criminal element, knowing about the richer pickings in the crowded terminals and on loading and unloading docks, have had profitable days at the public's expense.

Wherever the blame lies, it is obvious that more needs to be done to control this growing national problem. We believe our bill, S. 942, to establish a Presidential Commission on the Safety and Security of Cargo and recently ordered reported to the Senate after approval by the Commerce Committee, will help. But more needs to be done on other fronts.

A recent tort action in Georgia is one example that may aid in discouraging the theft of goods in transit. In that case a judgment was entered under a Georgia State law for the value of merchandise stolen from a commercial trucking firm and punitive damages assessed against those who participated in the theft and the owner of a company who purchased the stolen goods.

Briefly, the facts were these: The thieves stole $26,000 worth of wire fencing from a motor carrier, contacted a fence, who, by a middle-of-the-night phone call, sold the fencing to the owner of a retail building supply firm for $2,600. Subsequently, the Federal Bureau of Investigation solved the case, recovering some of the wire. The two thieves and the fence were subsequently tried and found guilty under Federal criminal law.

The final buyer was not brought to trial on criminal charges because of a decision that proving he had knowledge of the theft at the time of his purchase might be too difficult to secure a criminal verdict but not in a civil suit for money damages under the receiving-stolen-property Georgia State law. The plaintiff trucking company was awarded full actual damages of $11,877.12 and $4,375 in punitive damages were assessed against each of the four defendants, the two thieves, the fence, and the buyer. The fence and the buyer defended the civil action but did not appeal the judgment.

Had it not been for the Georgia tort statute, the ultimate purchaser of the stolen goods would have gone untouched.

We can only speculate about the number of times that a comparable fact pattern has existed where a criminal action may be successfully prosecuted against all but the final purchaser, who, though known, escapes both criminal prosecution and civil liability presently.

This bill should furnish a valuable addition to the arsenal of weapons our Federal courts can use against those who engage in the theft of goods moving in interstate commerce, those who "fence" such goods, and the buyer who has knowledge of their stolen characteristics.

Mr. President, I believe we have ample precedent for a civil remedy for damages to be maintained along with a criminal statute. The distinguished senior Senator from Arkansas (Mr. McCLELLAN) introduced and saw enacted into law the Organized Crime Control Act of 1970 (84 Stat. 922), which allows those injured as a result of the racketeering conduct of others, to recover in treble damages without a dollar limitation.

Certainly the recovery in civil damages will give to businessmen, shippers, and carriers, who bear the brunt of losses for cargo theft, an opportunity to recover some of their dollar losses and at the same time tighten up the shady market area where thieves sell their stolen goods.

And Lois Rosen had some advice for cargo buyers in the April 1971 issue of Modern Retailer, when she quoted an FBI agent's suggestions:

It's like cashing a check. Know your endorser; know your supplier. If you're dealing with a legitimate supplier, chances are it's legitimate.

As I recall it, our hearings were told that professional underworld thieves have established substantial footholds in many manufacturing, distributive, and merchandise industries to move their loot through "legitimate business" channels.

If I remember correctly, in the heyday of the Al Capone reign in Chicago, he was convicted not for murder, theft, the Volstead Act or other mobster activity, but for income tax evasion. Perhaps it is time we go after the modern-day cargo thieves indirectly, too; as this bill proposes and more directly as other pending legislation suggests.

Mr. President, in conclusion, I ask unanimous consent that there be inserted into the RECORD at the conclusion of my remarks a copy of my bill, a news article from the Atlanta Constitution of March 5, 1971, citing the Georgia case, and an article from the March edition of Modern Retailer magazine on "Organized Crime Moves Into the Theft/Hijacking of Merchandise."

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

S. 2426

A bill to add a new section to title 18 of the United States Code relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section be added following section 659 of title 18 of the United States Code and sections 660–664 be redesignated as sections 661–665, respectively.

SEC. 2. (a) Chapter 31 of title 18 of the United States Code is amended by inserting after section 659 a new section as follows:

"(a) Any person injured in his business or property by reason of a violation of section 659 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.

"(b) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(c) In any action under this section in any district court of the United States in which it is shown that the needs of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(d) All other process in any action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs."

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code is amended by inserting after § 659 the following new item:

"§ 660. Civil Remedy for Injuries Resulting From Violation of Section 659."

(c) Sections 660–664 are redesignated as sections 661–665, respectively.

(d) The amendment made by this section shall be effective after thirty days following the date of enactment of this Act.

[From the Atlanta (Ga.) Constitution, Mar. 5, 1971]

TRUCK FIRM GETS $30,000 JUDGMENT

A federal jury Thursday made a $30,000 judgment against four men accused of involvement in the theft of fencing and purchase of merchandise stolen from a commercial trucking firm.

It was the first know instance of a motor common carrier collecting damages in a theft case, and gives carriers a legal opening to move against receivers of stolen goods, according to attorney Paul Daniell.

The fencing wire was stolen in September 1967 from a trailer owned by Watkins Carolina Express, after the cargo had been shipped to Atlanta but before delivery to its receiver, Daniell said.

A portion of the wire shipment was found by FBI agents at a north Georgia building supply firm, but was in such damaged condition that Watkins Carolina sustained an $11,877.12 loss, according to Daniell.

The company filed suit in U.S. District Court against Robert Lee Rice, Willy Curtis Durah, James Frank Pinyan and Norris Howard, owner of the Coal Mountain Supply Co. in Cumming.

The federal jury awarded Watkins Carolina full actual damages, and assessed each defendant $4,375 in punitive damages.

Daniell said the Georgia law used in the case has been on the books "for a long time," but had "just never been used in these particular circumstances before."

[From Modern Retailer, Mar. 1971]

ORGANIZED CRIME MOVES INTO THEFT/HIJACKING OF MERCHANDISE

(By Lois Rosen)

NEW YORK CITY.—Retailers, who already lose about $2.5 billion from all kinds of internal and external thefts and shrinkages, now have another problem: the rising number of cargo disappearances.

The condition is so rampant that it is adding to markon all the way down the line from mill to retailer and consumer. And where is this "hot" merchandise going? It is being funnelled through "legitimate" channels such as manufacturing, retail, and wholesale companies now controlled by racketeers, in many cases, it shows up in the odd-lot and fire sale and close-out markets where the original disposition of the goods is very difficult for even the most vigilant potential buyer to track down.

The rising curve of merchandise thefts has become so great that there is no indication that (at least in the short range) it will do anything but go higher still. It is a ticklish factor that retailers will be facing more and more in their buying and selling facilities.

In the past year, over a billion dollars worth of merchandise was stolen in transport from trucks, ships, railroads, and airports. Trucks have been hit hardest, according to "U.S. News and World Report," with cargo losses climbing from $275,000,000 in 1966 to an estimated $994,006,000 for the year just ended. In New York City alone, for the first 11 months of 1970, the Police Department's Safe, Loft and Truck Squad reported 2,134

grand larcenies of trucks and contents plus 269 hijacks. (A hijack is a larceny in which force or the threat of force is used.)

But, no mode of transportation is theft-proof. 1970 estimates for losses via theft from transportation categories are: trucking, $900,000,000; airlines, $110,000,000; railroads, $250,000,000; and waterfront, $210,000,000. As staggering as these figures appear, they are generally considered conservative estimates because hundreds of cargo-theft cases go unreported.

One incident that was reported was the hijack last August 5 of more than $25,000 worth of Italian-made boots and shoes from a truck passing through Brooklyn. Captain Thomas Kissane of the New York City Police Department's Safe, Loft and Truck Squad told Modern Retailer that the goods were being shipped "by a large retailer" to a branch store in another borough. In this particular case, thanks to "inside information," much of the cargo was recovered and arrests made within three weeks.

But most cargo thefts remain unsolved. Gilbert Meyer, consultant for inland marine matters at the American Insurance Association, a group representing 150 insurance companies, estimates that only 5 per cent of the cargo stolen from trucks is recovered. Although New York City has been hit hardest by cargo theft (along with Boston and Washington, D.C.), no area is immune.

DISCOUNTERS HIT

Last year, a large discounter with a warehouse in the Far West was transferring merchandise from a warehouse to four stores via commercial trucker. Merchandise pinpointed for Easter selling disappeared from the trucks to the tune of over $100,000. Part of the merchandise was later recovered 100 miles away in a small flea market. The original tickets were still on the clothes. "The merchandise was insured, but the company didn't have it in time for its Easter sales and it was too late to get replacements," related Lincoln Zonn, a security consultant for many mass merchandisers.

Incidents such as this one involving retailers are infrequent compared with the number of incidents involving importers and manufacturers who supply the retailers. Either way the retailer loses. You'd better believe cargo theft affects the mass merchandiser. If garments are stolen out of the garment center from manufacturers, the cost of doing business with them goes up. Manufacturers have to tack something on to the price. The retailer then either has to tack something on to his price or work on a lower margin," Lincoln Zonn stated.

Richard Maxwell, an executive of Associated Dry Goods which runs 15 department store organizations with 77 units, notes that the retailer suffers when cargo disappears even though it is insured. "We've got insurance coverage, of course. But we also have escalating insurance premiums. The cost of doing business is rising. And the retailer is losing," he said in a telephone interview.

Adding to the rise in insurance rates is the limited liability of the airlines. (The limit is $7.48 per pound in international transport whether the cargo is potatoes or diamonds.)

William P. Sirignano, executive director and general counsel for the Waterfront Commission of New York Harbor, summed up the problem when he testified before Nevada Senator Alan Bible's Select Committee on Small Business. The Committee has been holding hearings on cargo theft and is working on legislation to establish a commission on cargo safety and provide for a centralized cargo-loss reporting system.

There is no doubt that the protection of cargo is important to the economy of the entire nation. The actual dollar value of lost cargo is of the least importance. The real serious effects of cargo losses are that manufacturing schedules are not met; job layoffs may occur for lack of raw materials; seasonal markets are lost; custom revenue is lost; insurance premiums are increased; and the stolen goods are put into commerce by the underworld in competition with legitimate business, oftentimes in competition with the very owners of the stolen property," Sirignano told members of the Senate Committee.

Who is doing the stealing? The answer seems to be just about everyone who can get his hands on the cargo. This includes the professional racketeers as well as amateur thieves.

Captain Thomas Kissane believes there are more amateurs involved in truck larcenies today than there were in the past. "Recently, we came up with a case involving $100,000 worth of left shoes. (Shoes are often shipped this way to discourage theft.) Now, unless you happen to run into a group of one-legged, left-footed men, this merchandise is not particularly marketable. We're also finding more cases of abandoned cargo these days. This wouldn't have happened in the past when hijackers were technicians and not amateurs," he commented. And then there was the case last year of the truck held up at gun point. Its cargo—$20,000 worth of onions!

Mario T. Noto, executive director of the Airport Security Council, believes most of the air-cargo thefts are "crimes of opportunity" and not organized. "If you leave stuff around and don't watch it, someone is bound to take it," one of Noto's staff advisers opined.

The Council, now including 43 air carriers, was established by the airlines themselves to cope with the problem of rising aircargo thefts. It has been working hard to remove "opportunities" for stealing by imposing tighter security regulations at the four major New York and New Jersey airports. This past year, the Council reports that its efforts have paid off at Kennedy with a 29.5 per cent reduction in thefts.

Still, things are far from rosy at this airport where one day last August $232,268 worth of diamonds simply disappeared. Many law enforcement officials such as Eugene T. Rossides, assistant secretary of the treasury for enforcement and operations, believe professional mobsters are behind much of the cargo crime.

And Kennedy Airport, in fact, has a rather unsavory history in this respect. The New York State Commission of Investigation's report on racketeer activities in the air-freight industry in March, 1968, reads like a Perry Mason mystery. Big name racketeers, it was revealed, were holding top jobs in both a labor union and a trade group operating out of Kennedy. The whole grisly history was related by a reporter, Fred Cook, in a "New York Times" article last April 12 entitled "The Jackals at J.F.K." and updated last month by a reporter, Denny Walsh, in an article in "Life Magazine."

A problem, of course, is collecting enough evidence to bring known racketeers to trial. The problem is compounded by the fact that "organized crime has been able to cloak itself with a certain amount of legitimacy," points out Nathan Skolnik, deputy commissioner of the New York State Investigation Commission.

MIXED BLESSING

Both organized crime and petty thievery still flourish at the waterfront, although conditions have improved considerably since the 40's and early 50's when loot was considered a "fringe benefit" of almost every waterfront job. The Waterfront Commission of New York Harbor, which was established in 1953 to crack down on mobsters, reports that the advent of "containerized cargo" (shipping in huge sealed containers) has proved a "mixed blessing" for importers.

The Commission in making its report last April to New York Governor Rockefeller and New Jersey Governor Cahill had this to say about containerization: "While it has deterred petty pilferage, it has attracted large-scale organized crime theft (most containers hold cargoes valued generally from $50,000 to $200,000). . . . The larceny of a container—unlike thefts of goods from a pier—is obviously not the result of impulse. Such a major theft requires planning and cooperation among many larcenous individuals; persons who can identify the contents of a container and its location; persons who have storage facilities to hide the huge quantity of cargo; and a tractor and trailer to move the stolen container. It is obvious that the container has become the target of professional thieves with underworld connections with the ability and organization to secure valuable information and the contacts to distribute and 'fence' stolen cargo in large volumes."

What kinds of cargo are most tempting to thieves? Ready-to-wear clothing, probably because it is so easy to dispose of, tops the list of most-stolen merchandise from trucks and airports. "They take sweaters from Ireland, leather coats from Spain; you name it," said one airport security official.

On the waterfront, "tobacco, liquor, and electronic equipment are leading the hit parade," according to Jerry Sullivan, executive vice president of the Security Bureau, an organization made up of 200 steamship lines and insurance companies.

In many cases, theft is done to order, believes Gilbert Meyer of the American Insurance Association. "The hoodlums know what will sell and they go after whatever is seasonable, attractive, and disposable. They deal in theft every day just the way Macy's does its buying. The business is so set up that the thief is often a hired gunman who does the job and gets paid for it without ever knowing who hired him," Meyer reported.

In cases when cargo is recovered, the problem of identification is a real one. Joseph E. Poser, vice chairman of the American Fur Merchants Association, said that he was called in by the police one day to identify some furs stolen from his own company. "It was impossible. We had shipped the furs raw and these skins had been dressed. Some times an identifying mark is put on the leather, but this is costly and time consuming and generally nobody does it," Poser said.

Where does the almost $1 billion worth of stolen goods wind up? The "twilight retailers" (as Security Consultant Sol Astor calls them) the so-called discount shops, the flea markets, the outdoor peddlers, are an obvious funnel for stolen merchandise. But they can't absorb huge amounts. Stolen goods eventually find their way into legitimate business, many insurance people and law enforcement officials believe.

A recent report cited by Carl McDowell, executive vice president of the American Institute of Marine Underwriters, before the Senate Committee on Small Business described the problem: "The most disturbing aspect of the large-scale thefts is the suspicion that much of the loot moves through channels of 'legitimate business.' Professional thieves have established substantial footholds in many manufacturing, distributive, and merchandise industries," he said.

A N.Y. magazine recently published the confessions of a master fence who has since retired to Switzerland to live on the more than $1 million he accumulated while "in business." He related how he established himself in the business with capital derived from a $3,500 stolen shipment of Betsy Wetsy dolls.

"Getting established" said "New York Magazine," "meant setting up drops all over the city; building a network of reliable buyers who had a good eye for merchandise; and choosing salesmen who could unload the stuff to legitimate and semi-legitimate out-

lets—unknowing retailers, jobbers, and manufacturers' representatives."

The master fence, himself, remains undercover throughout all this activity, according to reporter, Michael Pearl. "He seldom comes in contact with the stolen goods. He buys everything through intermediaries, sight unseen. Until it is sold, the merchandise is kept in 'drops' which the fence never goes near. Finally, other intermediaries sell the stuff to salesmen, jobbers, or retail stores. The master fence is completely insulated. Only his money is exposed."

In the meantime, legitimate distributors are naturally quick to take advantage of the so-called closeout or fire sale. As Captain Kissane of the New York City Police Department points out, "If you hear you can get a load of odd-lot merchandise from a fire sale, who is going to call and see if there actually was a fire?"

By Mr. WILLIAMS:

S. 2427. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems. Referred to the Committee on Commerce.

THE NATIONAL COMMUNITY ANTENNA TELEVISION ACT OF 1971

Mr. WILLIAMS. Mr. President, within the next few days the Federal Communications Commission will present to the Communications Subcommittee of the Commerce Committee its proposed rules for the development of cable television, which is also widely known as community antenna television—CATV. This action by the FCC will certainly be most welcome, as there are currently no guidelines in existence to promote and regulate development of cable television in the public interest; the FCC rules have been eagerly awaited by many people both within and without the broadcast and CATV industries.

However, Mr. President, I am convinced that regardless of what rules the FCC proposes they will be insufficient, simply because this subject involves far too broad a policy area to be thrust upon the shoulders of a regulatory agency without guidance from the Congress. Therefore, I am introducing today the National Community Antenna Television Act of 1971, a bill which I believe would establish a coherent nationwide format to promote the orderly growth of cable television in a manner consistent with the legitimate rights of broadcasters, and the best interests of the public.

Mr. President, cable television has existed as an industry for only 21 years, and at present it serves less than 10 percent of our populace. However, the enormous potential this technological development holds for our education, information, and entertainment industries, is very clear. In my own State the potential benefits of CATV become apparent when one considers that within the entire State of New Jersey—the most densely populated State in the Nation—there is not a single VHF television station, and that UHF television broadcasting is extremely limited in both scope and geographic coverage. Thus New Jerseyites must rely largely upon the good will of broadcasters in adjacent States for coverage of events in New Jersey, and I am sorry to say that this coverage is woefully lacking. Our neighboring State of Delaware suffers from this same situation, one to which CATV can offer an effective alternative.

Currently, television viewers in most parts of the country have a very limited choice of stations; fewer than half of the local television "market" areas are served by three or more stations. However, in 4,300 communities, residents may take advantage of the diversity offered by a cable system, which can improve television reception and expand the number of stations from which a viewer may choose. Although most cable systems currently offer between six and 12 channels of programing, cable is capable of providing as many as 80 channels to the subscriber; it can be made into a virtual electronic library.

The cable television industry was born in the late 1940's, principally to carry television broadcasts to people in rural areas beyond the range of television transmitters, which were then located almost exclusively in large cities. Since that time the demand for CATV has shifted to suburban areas where both improved reception quality, and increased program diversity, are major selling points. However, more than 90 percent of our population—those people who live in the 100 leading television market areas—are currently denied the opportunity for all but the most limited CATV service. This situation stems from a 1965 FCC order prohibiting cable systems from importing broadcasts from other cities into these top 100 market areas. As a result, there has been little economic incentive to develop cable systems in our most heavily populated urban centers, except where over-the-air reception is a major problem, such as in the metropolitan New York area.

The history of the Federal Government's involvement with this public-service industry has been one of vacillation and reluctance to act. The FCC has vacillated between the position that it had no authority over cable systems, to one that it has extensive regulatory jurisdiction over them. And in the Congress, although the Senate Subcommittee on Communications has kept a close watch on the situation, there has been a general reluctance by Congress as a whole to fulfill its obligation to establish clear, national policy for the FCC to follow.

Because of the vacuum left by Federal inaction, State and local governments have been forced to come to grips with the situation as best they could; in most instances, their responses have proved, at the least, to be inadequate. To date, only five State governments—Connecticut, Nevada, Rhode Island, Vermont, and Hawaii—have taken jurisdiction by conferring public utility status on CATV systems. In the remaining States the task of regulating this growing industry has fallen upon overburdened local governments. They have attempted to deal with it simply by granting franchises for construction of cable systems; for the most part these franchises simply grant permission to cross public streets and alleys, and involve very little regulation of the type exercised over public utilities. This city-by-city franchise approach to cable television development has been spectacularly unsuccessful. The failure of this approach in New Jersey is dramatically documented in a report by the Center for Analysis of Public Issues in Princeton, which was made public last week. And, there have been major scandals involving the awarding of franchises in New York, Pennsylvania, and Florida. Local and State regulation is in such disarray that the Governors of New Jersey and New York have both recently signed legislation declaring moratoriums on the awarding of new franchises to give their legislatures added time to study the problem.

Some 40 years ago the fledgling broadcast industry was developing in just as chaotic a manner as CATV is today. Congress responded with the Communications Act of 1934, which charged the FCC with overseeing the broadcast industry in order to promote its development consistent with the public interest. However, it was impossible in 1934 to anticipate the development of CATV, and thus there is no language in the act giving the FCC jurisdiction over this specific phase of the broadcast industry. I believe, Mr. President, it is time for Congress to recognize the sweeping technological changes which have occurred within the broadcast industry since 1934, and to reexamine the Communications Act in light of these changes.

The legislation I am introducing today would amend the act to specifically grant the FCC jurisdiction over CATV. Furthermore, it would establish clear national long-range policy for the FCC to follow in exercising its authority. This policy would establish cable television as a public utility—a recognized monopoly—and would require the establishment of a formula of channel allocation for communities of differing size. Such a formula must include provision for commercial and educational stations, local expression through local program origination, governmental access, general information communication through public service programs, and possible two-way communications. This listing is by no means exclusive of other services which may be available via cable transmission in the future.

Furthermore, the bill provides for the establishment, by the FCC, of standards of equipment performance and quality of service, the establishment of uniform technical standards for possible interconnection of cable systems, equality of service to all communities be they rich or poor, and the establishment of rules insuring fair tariffs to the consumer and a fair rate of return to the cable system owner.

Mr. President, I believe this bill represents a workable and effective approach to solving a nationwide problem which is sure to grow more acute in the years ahead. I commend it to my colleagues, with hope they will give it favorable consideration.

Mr. President, I ask permission for the bill to be printed at this point in the RECORD.

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

S. 2427

A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems

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

DECLARATION OF POLICY

SECTION 1. The Congress declares that community antenna television systems provide an essential service, and that access to a full offering of diversified television communications and supplemental electronics service via such systems is not a luxury, but is an essential condition for the survival of our society; that few communities will need, or be able to support, two such systems and that a full offering of such service must be uniformly and universally available for public needs and public use.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

SEC. 2. (a) Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended by adding at the end thereof the following:

"(gg) 'Community antenna system' means any facility which, in whole or in part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more broadcast stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service.".

(b) Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting at the end thereof, the following new section:

"REGULATION OF COMMUNITY ANTENNA SYSTEMS"

"SEC. 331. The Commission is authorized, as the public interest, convenience and necessity requires, to prescribe such rules and regulations, issue such authorizations and orders, and prescribe such conditions and restrictions with respect to community antenna television systems as may be necessary to—

"(1) provide for maximum diversity of programming without discrimination;

"(2) prevent unfair rates and charges for the service provided in consideration of the investment involved;

"(3) provide adequate service to communities served;

"(4) provide for related services, including origination of programs, and access for educational and governmental use; and

"(5) exempt, to the extent necessary, such systems which are limited in size or use."

By Mr. TUNNEY (by request):

S. 2429. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes. Referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT AMENDMENTS

Mr. TUNNEY. Mr. President, today I am introducing a bill recommended by the District of Columbia government entitled, "District of Columbia Unemployment Compensation Act Amendments." Since this is a part of the District of Columbia government's legislative program, I am introducing this bill by request in order to have it available for discussion.

Mr. President, I ask unanimous consent that the letter of transmittal and a summary of amendments to the District of Columbia Unemployment Compensation Act be printed in the RECORD.

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

THE DISTRICT OF COLUMBIA,
Washington, D.C., June 18, 1971.

The PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit a draft bill "To amend the District of Columbia Unemployment Compensation Act in order to conform to Federal Law, and for other purposes", which may be cited as the District of Columbia Unemployment Compensation Act Amendments".

The proposed bill, drafted in consultation and with the approval of the U.S. Department of Labor, is designed to implement provisions of the Employment Security Amendments of 1970 (84 Stat. 695) which require that certain provisions be included in State unemployment compensation laws. In addition, the draft bill incorporates the recommendation made by the President in this area.

Each substantive amendment contained in the draft bill is explained in the attached "Summary of Substantive Amendments to the District of Columbia Unemployment Compensation Act".

The Commissioner urges early and favorable consideration of this draft bill by the Congress. He believes action on this legislation is imperative in order to provide an adequate compensation program for the unemployed in the District of Columbia.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner
(For Commissioner Walter E. Washington).

SUMMARY OF SUBSTANTIVE AMENDMENTS TO THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

The attached proposed "District of Columbia Unemployment Compensation Act Amendments of 1971" is designed to implement provisions of the Employment Security Amendments of 1970 (Public Law 91-373). This Act required that certain provisions be included in all State unemployment compensation laws. In addition, the draft bill incorporates the recommendation of the President in this area.

An explanation of each substantive amendment of the District of Columbia Unemployment Compensation Act proposed by the bill and the section of present law to which it refers is summarized below.

Section 1(b)(1). The Employment Security Amendments of 1970 amended section 3306(i) of the Federal Unemployment Tax Act and goes beyond coverage of individuals who were employees under common law rules of master and servant. Accordingly, the District law is also amended to cover as "employment", services of commission drivers and salesmen, services for nonprofit organizations with certain exclusions, services for State hospitals and institutions of higher education, and services of American citizens employed outside of the United States by American employers. *Section 1(b)(1)(F)* is amended by the draft bill to cover certain domestic services as requested by the President and urged upon the District by the Secretary of Labor. It is patterned after the law of New York and is designed primarily to cover individuals providing substantial domestic service and not just day workers.

Section 1(b)(2). The proposed amendment consists of language contained in a resolution unanimously adopted by the Interstate Conference of Employment Security Agencies to cover a loophole found in all State laws and which heretofore generally has been handled administratively.

Section 1(b)(7). Automatic coverage will be provided for organizations not taxable under the Federal Unemployment Tax Act, but required to be covered for certification of a State law by the Secretary of Labor.

Section 1(c)(3). Dismissal payments were excluded from the term "wages", but are now included as wages under the Federal Unemployment Tax Act.

Section 1(d). Back pay is specifically included as earnings within the meaning of the Act in accordance with a Supreme Court decision.

Section 1(q). Inclusion of Puerto Rico as a State is mandatory. The Virgin Islands are also included because most States treat the territory as a State and it has an on-going compensation program.

Sections 1(w) and 1(x). These are new subsections defining "institution of higher education", and "hospital" as required by the Federal law.

Section 3(c)(2). This amendment excludes employer charges for benefits paid to claimants undergoing training and for extended benefits paid to exhaustees of regular benefits. Though not mandatory, the proposed amendment is desirable because the Unemployment Trust Fund is sound. It is also unfair to charge an employer for benefits paid to a former employee who is in training and not subject to the availability provisions of the law.

Section 3(c)(3). This is a desirable provision because the number of employers in the District is steadily shrinking and those in the nearby counties growing. It is believed likely that our neighboring States will adopt such a provision and the District should be competitive.

Section 3(c)(4). The proposed amendments provide desirable changes of the peril points at which contribution rates would be automatically increased for all employers. The Unemployment Trust Fund has been steadily growing and now amounts to over $73,500,000, but employer reserve ratios are slowly receding.

Section 3(c)(8)(A). When the taxable wage base is increased from $3,000 to $4,200, employer reserve ratios will go down and, consequently, rates will go up. This is undesirable in view of the size of the Unemployment Trust Fund, and is corrected by reducing each step in the rate table by three-tenths of one percent.

Section 3(c)(11). It has been necessary to carry accounts of employers who have been inactive unless information was received that the employer was deceased or out of business. These accounts are credited with their share of Trust Fund interest and cause the District Unemployment Compensation Board considerable extra work. The proposed amendment would abolish an employer's reserve account after he has been inactive for three full calendar years.

Section 3(e). The taxable wage base is raised to $4,200 and is mandatory under Federal law. An additional provision allows a successor to count as taxable wage the wages paid by a predecessor. Most States have a similar provision.

Section 3(g). Employers with isolated employment in the District sometimes report such employment to the State where their main office is located. When it is discovered, it is necessary to go back for many years which is burdensome on the Board and the employer. In the meantime, the workers have had full protection. It is desirable to limit employer liability to the last three years when contributions were paid to another State erroneously but in good faith.

Section 3(h). Nonprofit organizations are given the option to pay contributions or be self-insurers and make payments in lieu of contributions. This proposed amendment is mandatory, with the exception of paragraph 3 thereof. The proposed paragraph (3) authorizes the filing of a surety bond or the deposit of money and thereby provides the Board with safeguards to ensure that organizations electing to become self-insurers will make the payments required.

Section 3(i). This new subsection gives nonprofit organizations who elect to be self-insurers and who were already covered, the option of exhausting their reserve balances before making payments. This is a transition provision to equalize the treatment of nonprofit organizations previously covered and those newly covered.

Sections 4(c)(2), 4(i), and 4(l). These sections as presently written are cumbersome because they require action by one or more other District agencies to carry out certain functions. As amended, section 4(c)(2) will eliminate prior approval of the Commissioner in waiving penalties. The amendment of section 4(i) will eliminate the need for audit by the District Auditor prior to refunding overpaid contributions. As amended, section 4(l) deletes the need for prior approval of the Corporation Counsel and the District Auditor in order to compromise an outstanding employer indebtedness.

Section 7(c). The minimum weekly benefit amount was increased from $8 to $14 and the minimum qualifying wages are correspondingly increased by this amendment from $130 to $300 in one quarter and from $276 to $450 in two or more quarters of the base period. At present only Missouri, Canada, Puerto Rico, and the Virgin Islands have a minimum weekly benefit amount of $8 or less. The increase to $14 is believed to be more realistic under current wage scales. The requalifying provision is mandatory under Federal law and requires a claimant to have had some work subsequent to a prior benefit year. Disability retirement pensions at present are not deductible from benefits. The proposed amendment will equalize treatment of annuities other than Social Security which are not deductible.

Section 7(g). The proposed subsection (g) provides an extended benefits program for the District. A Federal-State extended unemployment compensation program is now mandatory.

Section 9(f). This new subsection contains a mandatory restriction on payment of benefits for services rendered in an instructional, research, and principal administrative capacity in an institution of higher education under certain conditions.

Section 13(e). This amendment provides Federal-State cooperation in administering District law, and brings up-to-date references to Federal law.

Section 14(a). Field Examiners have been allowed a maximum travel allowance per month of $40 since 1954. Were there no limitation, they would average over $65 per month. The proposed amendment of this section raises the limitation to $65.

Section 14(b). The proposed addition of subsection (b) to section 14 authorizes a Special Administrative Expense Fund. Forty-five States have such a fund for extraordinary administrative expenses into which are paid, generally, all interest and penalties collected from employers and claimants. Those States have found a fund of this kind useful for purchasing equipment or paying for travel for which the Federal Government cannot or will not provide funds. The fund is also used as a revolving fund when the Federal Government is late in supplying administrative funds.

Section 15(c). The per diem allowance for Board members has remained at $25 since 1954. It would be increased by the proposed amendment to $50. The Board has been faced with an increasing number of contested hearings, some of which require the study of transcripts of several hundred pages.

Section 16. This section is amended primarily to comply with a Federal directive requiring the Board to participate in combined wage arrangements with other States and Federal agencies.

Proposed amendments of sections of the District's Act not specifically discussed above are made to conform to Federal requirements, to make editorial changes, and to redesignate various sub-parts of the present statute for reasons of clarity and accuracy.

By Mr. GRAVEL:

S. 2430. A bill to establish a Committee on Adversary Inquiry to reconcile contradictory risk-estimates regarding the civilian nuclear power program. Referred to the Joint Committee on Atomic Energy.

Mr. GRAVEL. Mr. President, I would like to propose a bill for the purpose of funding nuclear safety inquiry.

WHAT THIS BILL PROPOSES

This bill would authorize $1,500,000 to the AEC for conducting a 1-year inquiry and a series of public scientific discussions about nuclear safety during 1972.

WHY ANOTHER INQUIRY?

There is a controversy raging in this country about the present and future hazard to life from nuclear powerplants and their radioactive wastes. It is bewildering to hear from some experts that the radiation risk from nuclear electricity is less than from a luminous wrist watch or from leaning against a granite wall, while other experts warn that nuclear power could become man's ultimate nightmare.

Why do equally qualified experts reach different conclusions? When experts disagree, which ones shall we believe?

These questions arise not only with nuclear safety, but with pesticides, cigarette smoking, the SST, the ABM, and many other questions on which public policies have to be made and the economic stakes of which are enormous.

Congressional hearings usually fail to cope successfully with such controversies, because the hearing format does not require the experts to confront each other or to clarify the reasons for their disagreement, and Members of Congress do not have the scientific training to ask all the important questions.

Expert committees are also often handicapped by deficiencies. They operate behind closed doors which exclude the public as well as the rest of the scientific community. Where the conflicts of interest may be present, their findings lose credibility.

PROPOSED SOLUTION

Under this bill, a new kind of public forum for scientific testimony will be provided in which leading nuclear proponents and critics will meet to discuss three questions:

First. What kind of accidents can happen in the containment of radioactive fuels and fission products?

Second. How likely are these accidents, assuming 1,000 nuclear powerplants in operation, as projected by the year 2000?

Third. What are the possible biological consequences of these accidents and the concomitant nuclear pollution?

When scientists reach contradictory conclusions, there are reasons for the disagreement. These reasons need to be identified, and that usually requires:

First. Identification of the prime data which each is considering and not considering.

Second. Identification of the statistical and experimental methods used by each.

Third. Identification of the unspoken scientific premises, public health principles, and personal values underlying each expert opinion.

A panel of qualified scientists could determine this information as it relates to nuclear safety by questioning the scientists who disagree, and by listening as the disagreeing scientists question each other. That kind of discussion would unravel the confusion generated by solo addresses, accusations, and testimonies which have not been subject before to critical scrutiny or even to comparison.

Therefore, this bill directs the AEC to arrange that kind of public, scientific discussion, and to establish a Committee for Adversary Inquiry within the AEC during the calendar year 1972.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 659

At the request of Mr. PELL, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 659, the Education Amendeds of 1971.

S. 717

At the request of Mr. PACKWOOD, the Senator from Pennsylvania (Mr. SCOTT) was added as a cosponsor of S. 717, a bill to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

S. 1408

At the request of Mr. MUSKIE, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1883

At the request of Mr. MAGNUSON, the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. INOUYE), the Senator from Kansas (Mr. DOLE), the Senators from Illinois (Mr. PERCY and Mr. STEVENSON), the Senator from Nebraska (Mr. CURTIS), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Oregon (Mr. PACKWOOD), the Senators from Utah (Mr. BENNETT and Mr. Moss), the Senator from Washington (Mr. JACKSON), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 1883, the Interstate Taxation Act.

S. 1899

At the request of Mr. FONG, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1899, a bill to permit visitors from designated countries to enter the United States for a pe-

riod of up to 90 days without obtaining a visitor's visa.

S. 1966

At the request of Mr. BROCK, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 1966, a bill to establish a National Emergency Wage-Price Stabilization Board to promote and encourage price and wage decisions consistent with the public interest and control inflation.

S. 2304

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senators from Kentucky (Mr. COOPER and Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. TALMADGE), the Senator from South Carolina (Mr. THURMOND), the Senator from North Dakota (Mr. YOUNG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Tennessee (Mr. BAKER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2304, the veterans' allied health professions training assistance program.

S. 2321

At the request of Mr. MAGNUSON, the Senator from New Jersey, (Mr. WILLIAMS) was added as a cosponsor to S. 2321, the Emergency Unemployment Compensation Act.

S. 2278

At the request of Mr. BAKER, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2278, a bill to provide accelerated assistance for economic emergency areas.

S. 2332

At the request of Mr. TOWER, the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 2332, a bill to provide free military postage for personnel serving in designated hardship or isolated duty stations.

S. 2380

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2380, a bill to amend the act of November 5, 1966 (80 Stat. 1309) providing for the establishing of the Indiana Dunes National Lakeshore, and for other purposes.

S. 2394

At the request of Mr. BROCK, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2394, a bill to establish an improved international economic policy structure in the Federal Government, and for other purposes.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 62, providing for the display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of Senate Joint Resolution 79, the equal rights amendment.

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Tennessee (Mr. BAKER), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of Senate Joint Resolution 135, providing for National Law Enforcement Officers Day.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 379

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

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 380 AND 386

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

Mr. BUCKLEY submitted two amendments intended to be proposed by him to the bill (S. 2393) to amend the Natural Disaster Relief Act of 1970.

AMENDMENTS NOS. 387 AND 388

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

Mr. BAKER submitted two amendments intended to be proposed by him to the bill (S. 2393), supra.

AMENDMENT NO. 389

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

Mr. COOPER, for himself and Mr. BUCKLEY, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2393), supra.

AMENDMENT NO. 390

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

Mr. COOPER submitted an amendment intended to be proposed by him to the bill (S. 2393), supra.

AMENDMENT NOS. 391 AND 392

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

Mr. COOPER, for Mr. DOLE, submitted amendments intended to be proposed to the bill (S. 2393), supra.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 381

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

Mr. BELLMON submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 382

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

Mr. CURTIS submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

AMENDMENT NO. 383

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

Mr. HART submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 384

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

Mr. DOMINICK submitted an amendment intended to be proposed by him to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related Acts, and for other purposes.

AMENDMENT NO. 385

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

Mr. RIBICOFF submitted an amendment intended to be proposed by him to the bill (S. 659), supra.

AMENDMENT NO. 393

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

Mr. PELL, for himself and Mr. GRIFFIN, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 659), supra.

ANNOUNCEMENT OF HEARING ON DIVERSIFICATION OF DEFENSE CORPORATIONS

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Production and Stabilization of the Committee on Banking, Housing, and Urban Affairs will hold hearings on August 10, 1971, in Los Angeles on the problems relating to the diversification of defense corporations into nonmilitary production. These hearings will begin at 9 a.m. on August 10, 1971, in room 10220 of the Federal Building located at 11000 Wilshire Boulevard, Los Angeles, Calif.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation on the following:

SEPTEMBER 14, 1971

S. 1977—HATFIELD—To establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

Hearing in room 1114, New Senate Office Building, 10 a.m.

SEPTEMBER 16 AND 17, 1971

S. 717—PACKWOOD—To establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes.

Hearing in room 3110, New Senate Office Building, 10 a.m.

ADDITIONAL STATEMENTS

THE FARM CREDIT ACT

Mr. ELLENDER. Mr. President, I have followed the progress of S. 1483, the Farm Credit Act of 1971, with great interest as I have over many years worked on all legislation affecting this great farm credit system.

The bill recently passed by the Senate completely rewrites all existing farm credit laws as they relate to the Federal Land Banks, Federal Intermediate Credit Banks, Production Credit Associations, and Banks for Cooperatives. This recodification will surely make for easier administration of these laws. As I understand this bill, it does not change the existing structure of the farm credit system or the Farm Credit Administration, the independent agency charged with the supervision, regulation, and coordination of the system. This is good, for these aspects of the system have worked well.

It does, however, provide additional flexibility in the making of loans, commitments, participations, stock issuance, and other financing. These provisions will make it possible for the system to respond more effectively to the changing credit needs of farmers and to serve a larger segment of rural America.

There is no question that farmers need increasing amounts of credit. To increase their efficiency and to offset the cost-price squeeze with which they have been faced, farmers have been required to turn to larger and more expensive equipment and machinery and to increase their land holdings. Both of these require additional capital.

Investment in farm machinery and equipment has increased about 54 percent in the last 10 years and now amounts to $34 billion. The size of farms in this country now averages 389 acres, up by almost one-third in the past decade. Farm real estate values have increased by 60 percent and now total $209 billion. On a per-acre basis, values have risen by two-thirds and now average $193. And farmers now use more petroleum products, chemicals, fertilizers, and other purchased off-farm inputs than ever before.

The point is that farmers not only need credit in ever-increasing amounts, but they need the services of custom operators, cooperatives, and financial services related to their farm operations. S. 1483 provides, in part, for these important items.

Of course, credit is not the answer to all the problems of farmers. But wisely used, it is an important input. Without it, farmers' problems would be multiplied.

The cooperative farm credit system has done an outstanding job in providing Louisiana farmers and their cooperatives with dependable credit at reasonable rates. The Farm Credit Act provides changes so that the system's record of service can be continued and improved upon.

Recognizing the wide interest in this measure among the people of agriculture, I hope the House can now approve the Farm Credit Act as soon as possible.

HIGH SEAS FISHING OPERATIONS

Mr. PELL. Mr. President, it has been brought to my attention that high seas fishing operations, principally by the Danes, pose a serious threat to conservation of stocks of Atlantic salmon of North American origin.

In the opinion of many leading scientists and conservationists, the Atlantic salmon could be overexploited to exhaustion. Thus, this valuable fish could become just another "zoo specimen," like some of the species of whales.

In 1965, the Danes moved in on a newly discovered major feeding grounds in the Davis Strait off West Greenland. Each year, they steeply escalated nettings, so that by 1970 they were taking an estimated 400,000 salmon.

The principal salmon-producing countries, the United States, Canada, the United Kingdom, and others have repeatedly protested this ruthless plunder, in the proper international organizations, and through diplomatic channels.

In the high seas feeding areas, salmon stocks are inextricably intermingled. They come from different spawning streams, different river systems, different nations, different hemispheres. No man, and no type of fishing gear yet known to man, no method of control, can separate them. This means that high seas fishing takes indiscriminately from all river runs, including perhaps the very river runs needing particular protection. As a result, there is absolutely no rational or effective means of conserving basic stocks or insuring adequate escapements for spawning.

Proper management techniques require that harvesting of salmon take place only inshore, at the mouths of streams or in the streams themselves. In this way adequate stocks can be maintained for each particular river run. This is known to be the basic position held by the United States and other governments, by leading world biologists, conservationists, and commercial and sport fishermen.

There are other important reasons for supporting a total ban on this high seas fishing. The costal States, including the United States, have substantial investments in propagating and managing the Atlantic salmon. The United States has spent, and plans to spend, millions of dollars to restore runs to the formerly great salmon rivers of New England. Fishways and hatcheries are on the drawing boards. And at least one collateral reason for pollution abatement is to be able to support returning salmon migrations which will provide sport and food for future generations.

Severe depletion of worldwide stocks would cause loss of livelihood to tens of thousands of commercial fishermen all around the North Atlantic shores. It would bring an end to sport fishing for Atlantic salmon.

The only international body set up to work toward conservation measures in this feeding area is the International Commission for Northwest Atlantic Fisheries—ICNAF—but this Commission lacks the authority to control dissenters. For 3 consecutive years, against the weight of world opinion, Denmark has refused to cease high seas operations. There is no existing law of the sea that can stop her.

The 1970 ICNAF meeting approved a compromise which would permit a total high seas take of 1,200 metric tons, some 3 million pounds of salmon.

The recent 1971 meeting voted to extend this 1970 amendment to 1971 and 1972; covering the 2 fishing years 1972 and 1973. This means that this fishery can exploit up to a total of as many as 1,200 metric tons during each of these fishing years. It also means that ICNAF probably will not consider banning or reducing this heedless overfishing until its meeting in 1974. Such a 3-year delay is unwarranted. Because the Atlantic salmon has a 6-to-7-year life cycle, the final result of this plunder of stocks of mature salmon will not be known until about 1980. The fish could be gone by then, and what few salmon that might be left would no longer be of any practical use to man, for no one will choose to fish for the meager harvest.

There have been other efforts to save this fish from possible exhaustion as a valuable commercial or sport fish, but they too have failed.

Separate direct negotiations with Denmark by top-ranking government officials of the salmon-producing countries, through proper diplomatic channels, have produced no result. For instance, in 1970, Prime Minister Wilson of Great Britain appealed directly and unsuccessfully to the Danish Prime Minister.

Approaches by conservation organizations and private individuals have failed. The Committee on the Atlantic Salmon Emergency—CASE—undertook in April 1971, a special mission to Copenhagen for the purpose of informing the Fisheries Minister and the Minister for Foreign Relations of the rising tide of public in-

dignation in the United States. Their message has produced no action.

I believe, therefore, that this matter should be given urgent attention by each of the salmon-producing countries. Direct negotiations with Denmark should be renewed with vigor, or initiated, if not previously attempted.

I suggest, also, that consideration be given to the possibility of new multilateral agreements, perhaps even a Northwest Atlantic Salmon Treaty, drawing on the experience with the North Pacific Fisheries Convention. The basic pattern of exploitation is much the same in the two areas, with aggressive nations coming overseas to fish off the shores of the coastal states of origin of the fish.

I hope that during the coming months our own Government will explore every avenue of approach that could persuade the Danes to adopt a reasonable salmon fisheries policy recognized by salmon-producing countries as necessary to the restoration of badly depleted worldwide stocks.

BARNET NOVER HONORED BY COLORADO SOCIETY

Mr. ALLOTT. Mr. President, last Saturday the Colorado Society was pleased to honor an eminent and respected journalist, Mr. Barnet Nover, until recently and for 23 years chief of the Washington Bureau of the Denver Post. Mr. Nover began his journalistic career with the Buffalo Evening News following his graduation from Cornell University, where he secured both his bachelor's and master's degrees, and where he won honors in history and a Phi Beta Kappa key.

On the News, Mr. Nover served first as a reporter and subsequently as associate editor and foreign affairs columnist. While with that newspaper and as a result of articles he sent from Japan and China on a long assignment in the Far East, Mr. Nover won honorable mention for the Pulitzer prize. During most of his years with the Buffalo News, Mr. Nover also was associated with the University of Buffalo as a professorial lecturer on modern European history, international relations, and Far Eastern affairs.

In 1936, at the personal invitation of the late Eugene Meyer, publisher of the Washington Post, Mr. Nover joined that paper as associate editor and columnist, serving, in the words of the Post's management, as "The Post's own expert on foreign affairs." His column appeared in newspapers across the country.

During World War II, as a personal contribution to the war effort, for which he turned down any financial compensation, Mr. Nover wrote weekly articles for the Office of War Information, which were sent by shortwave to enemy and neutral nations and were broadcast in 35 languages. These articles also were distributed to more than 600 newspapers around the world.

In 1948, Mr. Nover joined the Denver Post as chief of its newly created Washington Bureau. The high esteem in which Mr. Nover is held by his colleagues and by Government officials is evidenced by the fact that at a reception given by Palmer Hoyt, then editor and publisher of the Post, for his new bureau chief, the guests included 52 Senators, seven members of the U.S. Supreme Court, seven Cabinet members, and many persons from the House of Representatives, other high governmental officials, and bureau chiefs of leading newspapers.

As part of his duties with the Denver Post, Mr. Nover covered with diligence and unusual perception all major national political conventions from 1948 through 1968, and the subsequent presidential campaigns. He traveled with Harry Truman on the now legendary "whistle stop" campaign in 1948, and was sufficiently impressed not to join the overwhelming majority of his colleagues in assuming the certain defeat of President Truman by Governor Dewey.

Earlier, Mr. Nover received what Time magazine described as a dream assignment; namely, the first exclusive interview with President Truman, at which he revealed for the first time that Mr. Truman had invited Joseph Stalin to come to the United States on the battleship *Missouri* to make an address at a Missouri university, as Winston Churchill had done. Stalin, as history knows, declined.

Mr. Nover also was the first to reveal the fact, which had been closely guarded, that the napalm used against Tokyo during World War II had been made in Denver, and that nerve gas was being manufactured at the Rocky Mountain Arsenal. His subsequent scoops included one predicting with remarkable accuracy the contents of the censure report of the Watkins committee regarding the late Senator Joseph McCarthy of Wisconsin.

In January 1955 Mr. Nover was chosen one of 15 "Outstanding Buffalonians" and was honored at a celebrities homecoming dinner in Buffalo which was attended by 700 of the leading citizens of that city. He was part of a group of honorees that included the Reverend Dr. Harry Emerson Fosdick, Maj. Gen. William J. Donovan, head of the OSS; Rose Bampton of the Metropolitan Opera; Katherine Cornell, the famous stage star, and others.

Mr. Nover's innumerable assignments as a newspaper reporter have included attendance at many international conferences, including the San Francisco conference which led to the creation of the United Nations, and the Paris peace conference of 1946. He was with then Vice President Nixon in Moscow during the famous "kitchen debate" between Mr. Nixon and Nikita Khrushchev.

Mr. Nover is married to the former Naomi Goll who has been his journalistic partner for many years and whose column in the Denver Post, "Dateline Washington," was one of the paper's most widely read features. In addition to writing that column Mrs. Nover handled assignments of every kind and ran the bureau during the many absences of Barney—as he is affectionately known—on out-of-town assignments.

The Colorado Society—in a most fitting tribute—presented an engraved pen and pencil set to the Novers in deep appreciation of their 23 years of service to the people of Colorado. Those of us who have worked with Barney and Naomi over the years know how richly they deserve this honor.

CENTRAL MISSOURI STATE COLLEGE A LEADER FOR DRIVING SAFETY

Mr. SYMINGTON. Mr. President, with the assistance of Federal funds, a unique and comprehensive program of driver education has beeen developed at the safety center at the Central Missouri State College in Warrensburg, Mo.—a program of "crisis driving" designed to help reduce the growing number of motor vehicle accidents by better preparing drivers to meet and deal with many of the leading causes of these accidents.

The safety center was developed at Central Missouri State College, because of that institution's long-time interest in traffic safety, and was first funded 3 years ago with a grant from the National Highway Safety Bureau. Since then, the center has been training not only students from several area high schools, but also teachers who then return to their own schools to put a program of "crisis driving" into practice.

At the center, student drivers are exposed to most, if not all, of the crises which they may later face on the road—skids, blowouts, breakdowns, hoods flying up, accelerator jams—all contingencies which might develop while operating a motor vehicle.

The emphasis on critical driving skills is only one aspect of the program which sets it apart from the standard driver training course. Instruction included 60 hours of classroom training and 35 hours in specific driving situations and on devices used to simulate actual conditions.

The safety center incorporates different educational approaches so that each reinforces the other. For example, students discuss skid control and see a film, then experience a skid in a training simulator as well as other exercises before they go out on the driving range to experience a real skid.

There can be no doubt that more effective driver education can be a great step toward reducing the appalling loss of life on our Nation's highways. In the past decade alone, 450,000 Americans were killed on our streets and highways, a figure which experts agree could be halved in the next 10 years with safe cars and well-trained drivers. In planning and funding highway safety programs, it should be remembered that by 1990, there will be 165 million drivers and 159 million vehicles on our roads as compared to 108 million drivers and 109 million vehicles today.

The safety center's innovative approach to the development of critical driving skills as one method of reducing the slaughter on our highways is certainly to be applauded.

If we are to be successful in reversing the tragic toll of deaths, injuries and economic losses which have been mounting year after year, innovative efforts

such as the Central Missouri State College program must be applied to all aspects of highway safety.

TAX INCENTIVES FOR BLOOD DONATIONS

Mr. HATFIELD. Mr. President, there is an urgent need to offer incentive to individuals to give blood voluntarily, and to decrease the dependence on commercial blood banks to meet the required supply. The Washington Post of August 1, 1971, contained an article which reflected the shortage of blood from volunteer blood banks and the risk of infection from blood received from commercial blood banks.

I have been greatly concerned about this problem and have recently introduced a bill which would allow tax deductions for blood donations, S. 2345, Every Senator has been invited to join me as a cosponsor of the bill.

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:

[From the Washington Post, Aug. 1, 1971]

THE DILEMMA OF TAINTED BLOOD

(By Joshua Lederberg)

(NOTE.—A Nobel Prize winner, Lederberg is professor of genetics at the Stanford University School of Medecine.)

"Giving blood saves lives" was one of the last commemorative appeals of the old U.S. Post Office Department. Its purpose was to encourage more generosity from 100 million potential donors of blood who contribute to an already deteriorating and disorganized system of collection by staying home.

We cannot easily tell whether such an appeal has had any effect, for lack of comprehensive national statistics. Richard M. Titmuss, in "The Gift Relationship," guesses that about 8 million pints are collected yearly, and some 2 million of these are unaccounted for. How many of these were wasted, how many were utilized in unreported transfusions is not known. As every potential donor is a potential donee, we all have a stake in the integrity and efficiency of the system. Transfusions of blood undoubtedly save hundreds of thousands of lives each year; and no reliable substitute is known for many of its uses.

But blood is sometimes a treacherous gift, for at least 3,000 patients die each year, not from their primary disease or injury, but from hepatitis derived by transfusion of infected blood. According to J. G. Allen, professor of surgery at Stanford, transfusion hepatitis is grossly underreported and the hazard may be much greater. Generally about 1 per cent of patients who have received blood transfusions undergo a risk of jaundice and liver disease which may not appear until several months later. Dr. Allen has argued for many years that the main burden of this risk stems from the use of "commercial blood," as opposed to that from voluntary donors. In recent years these claims have been substantiated on the basis of new knowledge of the hepatitis virus.

THE AUSTRALIA ANTIGEN

It is hard to imagine a more esoteric, seemingly more useless line of research than the study of new blood factors in Australian aboriginals and Peruvian Indians. This sort of game might inspire congressmen and presidents to demand that scientists stop playing in the laboratory—or field-tripping around the world—and get down to the real business of delivering results, quickly, for the health of the multitude. Geneticist Baruch S. Blumberg, of Philadelphia's Institute of Cancer Research, could not have known that his studies of blood factor genetics among tropical peoples would soon illuminate a vital problem affecting many lives and exposing many dilemmas of ethics and policy.

In 1964 Dr. Blumberg described what appeared to be another genetic marker, analogous to the familiar blood types. However, this one, the Australia antigen, was a characteristic of the blood serum, rather than of the red cells, of a small proportion of the people tested. Its first detection depended on the serendipitous discovery of an antibody reacting with the Australia antigen in one particular serum. This was in a patient who had received repeated transfusions as a treatment for hemophilia.

In further studies Blumberg found that this new factor occurred quite rarely (less than 1 per cent) in most populations throughout the world. Australian aboriginals and inhabitants of the South Sea Islands all ran around 5 per cent. The factor reached a level of 9.5 per cent in Ghana, 13 per cent among Taiwanese—and 20 per cent among an isolated tribe of Cashinahua Indians in Peru.

Family studies in areas where the Australian antigen was prevalent indicated that the factor was inherited in simple genetic fashion. Unlike most blood factors, however, it was found only in individuals who received the gene from both parents.

Eventually the antigen was also found in Europeans and Americans, but only very rarely, and then often in association with leukemia, or with the chromosome-anomaly disease, Down's syndrome. This bewildering set of correlations made little scientific sense until Blumberg and a number of other investigators finally verified that the Australian antigen was frequently associated with a history of hepatitis.

A DISEASE OF CIVILIZATION

At the present time most workers believe that the Australian antigen—or HAA as it is now called, for hepatitis-associated-antigen—consists of actual virtual particles and their skins. These particles have not yet been firmly identified as a virus, for we lack a reliable laboratory animal or cell culture systems in which to cultivate them or demonstrate their infectivity. However, the particles have already been reported to contain an enzyme similar to the RNA–DNA system which was one of last year's most exciting discoveries in the field of virus biochemistry.

How does HAA, presumably a virus, relate to the genetic factor originally postulated by Blumberg? We cannot close our minds to the idea that a gene may be liberated and behave like a virus, or vice versa. However, the most likely explanation is that this particular gene marks those individuals who are most susceptible to this virus and who, once infected, retain it in their blood for a long time. In tropical environments the virus is assumed to be so prevalent that everyone will be exposed to it. As with many other viruses, children infectd with it may show little disease, but they would acquire a life-long immunity. And some of them may also be long-term carriers.

Elsewhere, improved hygiene makes the disease much rarer; but when it does occur in adults it may have much more severe consequences. In this sense, lethal hepatitis, like polio and smallpox, is another disease of civilization. Other studies support the view that high levels of HAA in the blood are correlated with very mild, even imperceptible, disease, and vice versa.

This may be a sufficient explanation for the lethal risk associated with commercial blood. People who earn a living by selling their blood are likely to have grown up in less hygienic environments and to be asymptomatic carriers of the virus. They have, furthermore, a financial incentive to deny a history of hepatitis, even if they were aware of it, that would disqualify them as a donor.

Hepatitis is also transmitted by infected needles shared among drug addicts. Commercial donors who sell blood to finance a drug habit may then also add to the risk of undetected hepatitis. We can only speculate about the relative importance of these and other factors. At any rate, several studies with the now more powerful tool afforded by the test for HAA have shown that commercial donors are at least 10 times more likely to transmit hepatitis than volunteers.

TESTS LACK PRECISION

A simple solution to the problem might be to test every blood sample for HAA before transfusion. Unfortunately, in its present state of development, the test will detect only about one-third of the samples of contaminated blood. This is already a good enough reason to institute the use of HAA testing on a wide scale but obviously it only begins to solve the problem. Many blood samples, although still quite infectious, may simply contain too little of the virus to be detected by present techniques.

Furthermore, other forms of hepatitis, including the so-called "infectious hepatitis" that might be derived from contaminated seafood or water supplies, are due to a different agent than HAA. But they may still play an important role in disease after transfusion. No biological test, other than transmission to human volunteers, is known for this other agent at this time.

We surely must still try to save another 2,000 lives a year and debilitating illness for 20,000 more. But we must then rely on rather imprecise criteria for disqualifying blood from high-risk donors.

Very thorough medical examination of prospective donors, and their formal registration, would be one prospective avenue. This is precarious, for it might dry up an already inadequate supply by making the process of donation more cumbersome than many people would tolerate. The flat prohibition of cash payment for blood used for transfusion has similar perils unless we can motivate a near-doubling of voluntary donations to make up the difference. And it might force the desperate resort to a gray market that would be even more hazardous than the present one.

Our dilemmas are worsened to the extent that the donor's class background is as relevant to the risk of transmitting hepatitis as any test we can ask of the individual. But until we have better tests for contamination, we can do little better than encourage the rich to donate their blood more freely than the poor, for the benefit of all.

TAX INCENTIVE FOR DONORS?

Needless to say, the most elementary respect for social equity must make that blood equally available to all. Blood-sharing cooperatives are a partial answer to motivating donors to give low-risk blood. But can we exclude any hospitalized patient from the common supply? Will we relegate a stranger to sources that are bound to carry inherently higher risks? In the face of this overt ethical confrontation, the cooperatives will somehow have to solve the problem for the entire community, or share the remaining risks with it.

The basic problem is to encourage a wider base of voluntary donations, to undercut the treacherous commercial market in blood, and to evade the social and ethical dilemmas of allocating this particular resource, if the supply is so limited that "bad" blood must be used to fill out the need.

We have here some rationale for the proposal, supported by the National Research Council Panel of Consultants on transfusion hepatitis, and now sponsored by a group of congressmen, for a bill to allow income tax deductions for "voluntary" blood donations. This incentive will be relatively unattractive to the traditional type of commercial blood donor, both because he is likely to pay very little income tax anyhow and because the benefit may be deferred for many months. One can raise theoretical objections to this scheme as one can for almost any other attempt to use the income tax for purposes other than revenue. Should we not compensate the donor of a kidney or of a heart (for the benefit of his estate) many times more? Indeed, the taxpayer who wishes to donate but is rejected for having faithfully reported a history of a disqualifying disease should get a double indemnity.

This proposal, nevertheless, has much pragmatic and even more symbolic utility. The proposal may be attacked for opening the door to a formal system of social accountability of each individual, in addition to the annual tax return. This is precisely what is being demanded today of corporations and other institutions.

Few people today have recourse to an organized framework for the invigoration of conscience. The blood sacrifice may yet return as a manifestation of the brotherhood of man. It is not alone among the religious impulses that are vital to the objective survival of the human species.

ROCK EAGLE 4–H CLUB CENTER, EATONTON, GA.

Mr. GAMBRELL. Mr. President, we frequently hear that this country is doomed to failure because its young people do not exhibit the qualities of initiative, energy, patriotism, and religious commitment shown by their forefathers.

I have never subscribed to this view, and feel that those who believe this about our young people are simply brainwashed by the public media, and suffer from a lack of close acquaintance with a representative group of American youth.

My confidence in our young people was recently renewed by a visit which I had with a group of Georgia 4–H Club members at the Rock Eagle 4–H Center near Eatonton, Ga. This unique camp provides an outstanding camping opportunity to approximately 10,000 Georgia young people every summer, and has done so since its establishment in the early 1950's.

My visit there was occasioned by an invitation to address a civic club from nearby Eatonton, which has its meetings at the dining hall of the camp. After the meeting which I attended, camp officials invited my wife and me to attend the campers' pageant which was held in a natural open air amphitheater beside the lake at the camp.

The pageant was put on by the campers themselves, under the guidance of the counselors, and was a portrayal of the story of the early American Indians of that area of Georgia, and the erection of the Rock Eagle effigy, of which I will have more to say later.

At the time, I told camp officials that I wished the national news media, who are so obsessed with the "hangups" of a fringe element of American youth, would report to the country that the future of America is alive and well in middle Georgia.

After the pageant, the leaders and counselors of the camp invited my wife and me to visit them in their meeting hall. We found that, even after a full day, and a full week's work, these young people were cheerful, courteous, enthusiastic and interested in life, and the affairs of the world outside of themselves.

All in all, it was an inspiring experience, and I wanted to share it with my colleagues in the Senate.

I know that each Member of the Senate will be happy to learn that the 4–H program, which is conducted under the Cooperative Extension Service of the U.S. Department of Agriculture, is the sponsor of such an outstanding activity as the Rock Eagle Club Center. In addition to its use as a summer camp for boys and girls, the facilities at the center are very much in demand for meetings, seminars, and other activities, and through these programs, it is self-sustaining. However, priority in the use of the facilities is given to youth activities.

Because the sponsorship of this center arises from a program of the Federal Government, and particularly because of the great part taken in the founding of the center by our distinguished colleague, the senior Senator from Georgia, HERMAN E. TALMADGE, I am presenting to the Senate today a report and brief history describing the center and its facilities.

Mr. President, I ask unanimous consent that, at this point in the RECORD, there be inserted the story of "The Rock Eagle Effigy" by Hon. George M. Scheer of Eatonton, Ga., taken from the bulletin of the Tri-County Electric Membership Corp., at Gray, Ga. The effigy is the central feature of the 4–H Club center property.

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

THE ROCK EAGLE EFFIGY

With the establishment of the great Rock Eagle 4–H Club Center near Eatonton, much interest and curiosity has developed concerning the Eagle effigy itself. This stone mound or tumulus is about five miles north of Eatonton off from the Madison Highway on the lands of the Center itself and not too far from the main entrance. It is in the shape of a great prone bird with its head turned to the east and with outspread wings. Its measurements are 102 feet from head to tail and 120 feet from wingtip to wingtip. The body rises to about ten feet above the surrounding surface. It is constructed entirely of milky quartz rocks and boulders ranging from baseball size to boulders which would require several men to move.

It can best be viewed from the large granite observation tower constructed in 1937 by the government. There is a high cyclone fence surrounding the effigy for its protection. It might be mentioned that there is a companion effigy about twelve to fifteen miles away on the Sparta Road. The dimensions of this other eagle are exactly the same (102 feet) from head to tail, but the wingspread of the latter bird is 132 feet.

The Rock Eagle was on the lands of Mr. Tom W. Scott and then sold to the Federal government. At the time of the purchase it was in the possession of his mother, Mrs. F. W. Scott who deeded the land on which the effigy stands with the provision that it will be preserved as a monument. According to Mr. Scott, the land immediately around the eagle was never cultivated, and has been in his family from the time it was ceded from the Indians. The Indians who inhabited the area did not use it for any purpose and said that their ancestors found it as it was. This area was occupied at that time by a branch of the lower Creek tribes, probably the Hitchitis. At one time or another, the tribes known to whites who were here were the Cherokees and the Siouams (who spoke Yuchi). They were all branches of the Muckegean linguistic stock.

It is interesting to note that there seemed to have been a stone mound culture in this area. While a number of mounds and cairns in stone have been found, the nearest dirt mound is twenty-five miles away in Greene County.

The religious purpose of the use of the mound is emphasized by the fact that there were no potsherds, arrowheads or other artifacts in the vicinity. The eagle effigy was first described by C. C. Jones, a Georiga historian, in 1877 for the Smithsonian Institution. At that time he made accurate measurements and drawings of both mounds and they are today just as he saw them then. There was no more work done until 1937 when Dr. A. R. Kelly, while carrying an archeological research on an ancient Indian village site about three miles from the eagle ran several exploratory trenches out and away on either side of the effigy, but did not find anything at the time. Doctor Kelly, a noted archeologist at present on the faculty of the University of Georgia, is of the opinion that these effigies are of great importance and played a significant part in the religious life of a very ancient people possibly more than five thousand years ago.

The fact that these are entirely of rock and of the nature and size, would indicate that there might have been a ceremonial and religious purpose. Doctor Kelly suggested that there might be a relationship in the culture of these moundbuilders and the Adena people who inhabited the area of what is now Kentucky and the Hopewell Indians in the area around the Great Lakes and in the Mississippi Valley, except that the Putnam County mounds appeared to belong to a much more ancient period known as the Old Quartz culture. He stated that it was possible that these aboriginal people came for many miles to worship or carry on their ceremonials on this spot. The antiquity of the Rock Eagle effigy can well be realized when we think that it was probably built fifty centuries ago and the Great Pyramids in Egypt were built in the Fourth Dynasty about 2500 B.C., which would make the Rock Eagle old then.

Then again in 57 B.C., Julius Ceasar invaded the British Isles and found savage Druids who offered up human sacrifies and worshipped spirits in trees, yet the builders of the eagle effigy were thousands of years older and had a form of spiritual belief. But to return to the present day picture; when it was decided to use the area on which Rock Eagle is located for a 4–H Center, Mr. W. A. Sutton, whose brain-child the Center is, decided inasmuch as the Center is taking the name of Rock Eagle, more should be known about it. After conferring with Doctor Aderhold, president of the University of Georgia, he had Doctor Kelly secure the services of Doctor Vincenzo Petrullo, explorer and archeologist who had led an expedition into the jungles of Venezuela in 1933 and had been on the faculties of Colgate University and Alabama. Doctor Petrullo worked part of the summer of 1954 in this research and with the limited time allotted made several curious discoveries. At first having run trenches to the eagle and not finding anything in the way of a clue he decided to excavate the bird itself.

It should be brought in at this time that while the trenches did not reveal any artifacts they showed puzzling layers of soil. Beginning at the top would be humus and soil mixed, next would be an area of red clay, then below that would be a layer of yellow-brown clay and loam, and below that would be the basic red clay, in some instances there would be traces of charcoal with the yellow brown soil. When it was decided to dismantle the eagle work was begun at the neck and shoulder where a belt of hard yellow clay occurred—a ten foot wide trench was cut into the heart of the effigy. Doctor Petrullo noticed that every nook and cranny made by the large boulder was packed with small quartz stones. He noticed also that small fragments of charcoal appeared.

However, when he reached ground level he found evidence that the lower surface had been burned before the effigy was constructed. The "floor", to quote Doctor Petrullo, consisted of small headsized stones imbedded in burnt soil and burned organic matter from six to eight inches thick. Below this layer he came upon a layer of yellowish brown clay similar to, and a continuation of the clay seen in the trench—at this time still no sign of any artifact or bone material.

He then decided to attack the effigy from another direction—this time near the tail. Here he at once struck "pay dirt". He found a huge boulder from which the eagle had been started. Then in about a yard square between another boulder close to the base of the tail, he found fragments of calcined and unburnt human, bird, and animal bones. A few calcined human skull bone fragments were found above the burnt soil-stone-sand organic matter layer, also some calcined and unburnt fragments were lying in the burnt area and imbedded between small rocks in the yellowish clay layer. Nothing was found in the basic clay. A very important find was a small granular quartz ovate pointed tool. Because of the limited time the head, neck, tail, wings, and some portions of the body were left untouched. Among the conclusions drawn by Doctor Petrullo are that this and other excavations in Putnam County point to this belonging to the Old Quartz Industry and probably as much as 6,000 years old. He is quick to point out however that much more research will be needed before a more specific time can be set. An interesting observation at this time is the fact that reference has been made to the use of "yellow clay" in constructing the floor of the mound, yet all who have visited Rock Eagle well know that there is no yellow clay in the area adjacent to the effigy . . . this clay had to be brought in.

The rock used in building the effigy is that which is found in the area. However, the writer in a field party with Doctor Kelly and Doctor Keller of the University found a quartz surface quarry several miles away from the eagle which might have been used in its construction. When we think that this was done in prehistoric days before the knowledge of wheeled vehicles, or the benefit of horses, and that these rocks were probably carried in skins, amounting to tons . . . the apparent length of time and immensity of the task is apparent.

An interesting conjecture was made by Charles H. Fairbanks, that the effigy was not truly an eagle but a vulture, or rather a "buzzard". The thought of building a monument to a buzzard is at first abhorrent until we consider that in the life economy of these aboriginal people the buzzard fitted a necessary function in carrying off carrion and waste which otherwise would cause disease, while on the other hand the eagle itself is a destroyer and a bird of prey. Mr. Fairbanks also suggests that the effigy might have Totem significance. He thinks possibly that this might have been a totem of the eagle and that some great chief of the Eagle Clan might be buried there. Totemism is not animal worship but that certain groups within the tribe are set up in clans and assume as part of their personality the best qualities of the bird or animal which is their totem . . . it becomes a "guardian spirit" for its clan.

There is without doubt a great spiritual purpose involved. These ancient people in their simple primeval way strove over what must have taken generations to build, their expression of exaltation to a Diety. Could it have been that the calcined remains represented a human sacrifice with which they dedicated the building of a temple which is Rock Eagle?

HISTORY OF THE CAMP

In the 1930's, the Government became interested in the Rock Eagle and its significance. After studies were made by Dr. A. R. Kelley of the University of Georgia, the effigy was restored to appear as it did in drawings first made by early settlers in Georgia. Under the same Government program, a granite observation tower was constructed and a fence was erected to prevent damage by souvenir hunters.

Much later in 1947, State 4–H Leader William A. Sutton along with other state leaders in 4–H, felt that there was a distinct and pressing need for a camp for the young people of the State involved in 4–H. At that time, there were only three small camps, the combined use of which could not accommodate all who wanted to attend a summer camp.

The 4–H leaders considered several sites for such a camp and finally decided that the land surrounding the Rock Eagle would be an ideal location. The 1,452 acres in the vicinity was owned by the United States Government and the Soil Conservation Service. At first, the land was leased to the Board of Regents of the University System of Georgia; later the land was granted outright to the University of Georgia and the 4–H Foundation.

In building the camp, the 4–H Foundation paid prisoners of the State of Georgia with money collected by 4–H members all over the State in hundreds of different ways. At the Baptist Children's Home for ophans in Baxley, Georgia, 4–H members did without their eggs for breakfast so that the money saved could go towards the construction of the camp at Rock Eagle.

In order to help out the hard working 4–H'ers, then Governor Herman Talmadge pledged to match dollar for dollar from the State Contingency Fund all money collected from private sources. Under Governer Talmadge's plan the State matched more than $1,400,000 that was given by 4–H members, foundations, and private business firms. In addition, the Kellog Foundation granted $2,-144,000 for use in constructing the necessary facilities at the camp which officially opened in 1955.

Facilities at the camp are valued at $3,500,-000 and are designed to accommodate 1,200 people at one time. The air-conditioned Herman E. Talmadge Auditorium will seat 1,232 and is designed so that trucks, flotillas, and other display vehicles may be driven directly on stage. The William A. Sutton Dining Hall can serve 1,200 people in one hour.

Other facilities include 54 stone cottages, four educational buildings, three recreational buildings, a chapel of native stone, six outdoor pavilions, five swimming pools, a putt-putt golf course, and athletic fields.

Over 50,000 people from civil groups and conventions use the Rock Eagle facilities annually. The public areas of the center are available for public use throughout the year. The 155-acre lake provides one of the best fishing lakes in the State.

Facilities also include areas for picknicking and overnight camping.

The Rock Eagle Center is truly a monument to the initiative and hard work of American youth, genuinely patriotic and dedicated to building a better America for themselves and their children. This part of young America is still alive today in Georgia and through the Nation, and this is the portion that deserves the encouragement and praise of all.

THE WINTER WHEAT HARVEST IN KANSAS

Mr. PEARSON. Mr. President, I recently requested a progress report on the wheat harvest in Kansas. Though rail transportation has been to some extent frustrated by the strike, all signs indicate that this may be one of our most successful years. Freight car shortages have been substantially below levels of previous years.

I ask unanimous consent to have printed in the RECORD a copy of this report and invite the attention of the Senate to it.

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

WHEAT HARVEST IN KANSAS

The winter wheat harvest in Santa Fe-served states has just been successfully completed without a single complaint about Santa Fe's freight car supply. The harvest in the State of Kansas, in which the Santa Fe predominates, was an all-time high, estimated by the United States Department of Agriculture at 308 million bushels, which was 42 million bushels greater than the estimate made immediately before the harvest.

A number of factors contributed to Santa Fe's handling the crop so effectively. Admittedly the light harvest in the neighboring states of Oklahoma and Texas softened the impact of the huge Kansas harvest, as did the availability of storage space in country elevators due to prior movement of storage grain, but primary credit for the achievement must be given to advance planning for the harvest. Santa Fe's acquisition of 1,300 new covered hopper cars this year brought their total fleet of these 100-ton monsters up to approximately 10,000. In addition, through cooperative inter-railroad measures just before "H" Day, they were able to strategically place about 3,500 of their older Santa Fe box cars as a back-up to the hoppers. Also, credit must be given to the grain shippers and receivers who responded to the Santa Fe's pre-harvest campaign for better utilization of equipment by minimizing requests for special accessorial services and by prompt loading and unloading.

It is of interest to note that while many commentators still emphasize old-fashioned box cars in connection with grain traffic, on the Santa Fe it is the large 100-ton covered hoppers that play the key role these days. Grain shippers prefer these modern quick loading and unloading large capacity cars. During the winter wheat harvest, over 85% of the grain on the Santa Fe was transported in covered hoppers.

Railroads have frequently been criticized for car shortage during seasonal movements. Whether this criticism is justified must be viewed as part of the broader question of whether the company should be obligated to provide year-round ownership of equipment and facilities for handling a huge peak movement of very short duration. This is not the most economical use of an asset. To put it in perspective, what would happen if the annual production and transportation requirements for new automobiles in this country were concentrated in a 6-week period? A comparable analogy could be drawn for many other consumer products or raw materials. Serious congestion and excessive costs would be created. It is therefore especially gratifying that the railroads—and the Santa Fe in par-

ticular—endeavor to rise to the periodic challenges of these grain harvests, and it is to their credit that such a commendable job was done in 1971.

BICENTENNIAL MEDALS

Mr. HATFIELD. Mr. President, a friend of mine, Mr. William T. Louth, president of Medallic Art Co., testified before the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency regarding H.R. 7987, to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

Because I know of the interest of Senators in this matter, I ask unanimous consent that Mr. Louth's statement be printed in the RECORD.

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

STATEMENT MADE BY WILLIAM T. LOUTH

My company is most privileged to have an opportunity to present to you our views in regard to the proposed legislation HR–7987.

First, may I compliment the American Revolution Bicentennial Commission for the way it has approached its study and its final recommendations in regard to the proposed medals.

Our company has been in touch with the Commission ever since its establishment. We have always been received most courteously and there has always been exhibited a desire to learn and to openly receive all suggestions that are presented for evaluation.

We were very much impressed that in May of 1970 they did an extensive survey and study, talking with all manufacturers, government agencies, numismatic experts, in order to learn everyone's viewpoint. Furthermore, the Commission held open hearings in September of 1970 to again give all interested parties an opportunity to express their views. They formed an advisory committee on medals and coins of distinguished numismatists and scholars. Although I may not personally agree with every recommendation that this committee has made, I respect the manner in which they arrived at their decisions and feel that they are eminently within their rights in making the recommendations that they did.

It should be stated at the outset that it is my belief that the American Revolution Bicentennial Commission was charged in the Joint Resolution (Public Law 89–491) adopted by Congress July 4, 1966, to prepare an overall program for commemorating the Bicentennial of the American Revolution, and specifically under Section 3—point 7—"the issuance of commemorative coins, medals, certificates of recognition, and stamps." The government has issued medals to commemorate important occasions, so it seems to me that on the basis of this Resolution that indeed a medal should be and can be an important part of this celebration.

May I digress for a moment. Medallic Art Company has consistently tried to place its own interests in a secondary position as to what is right for the Commission. Therefore this statement today is not really a Medallic Art Company official position, but is a statement of an experienced manufacturer presented as a guideline in the interest of being helpful. Most of you are familiar with the Medallic Art Company—we were established some 70 years ago, and have been recognized as the leader in the field of medallic art. We introduced the art of the medal as it is known today, to this country, and we are privileged to be custodians of most of the important awards from the Pulitzer Award to the National Medal of Science. It has been our privilege to cooperate with the Mint and various government agencies for many years.

FIRST ANNOUNCEMENT IN 1966

May I start by making reference to a 1966 speech that I gave before the American Numismatic Association Convention in Chicago? I believe I was one of the first to call attention to the important numismatic aspects of this event. At the time I was speaking, I made a number of announcements to the ANA group gathered there and I'm going to quote part of that speech starting with the second accouncement:

"With the new Mint being built in Philadelphia, and with the new rapid equipment which will be installed there, I feel the ANA should press for a change in the law which permits a new type of coin design only every 25 years. Perhaps a proper interval would be 10 or 15 years. This certainly would revitalize and strengthen the time-honored hobby of coin collecting and would enable us to commemorate with greater frequency those events and personages of historical importance. But I want to make it clear that this is not my primary purpose in making this suggestion. My primary reason is the American sculptor who is forgetting how to design a coin. I have been talking about beauty and the need to appreciate the sculptor's art. By issuing new coins with greater frequency, and by returning to the old tradition of commissioning directly our great sculptors, or by holding closed competitions, we will support our sculptors and will, in a sense, create more engravers capable of doing this fine work for the Mint.

"Sculptors who are able to create good medals and coin designs are becoming more scarce, for in modern architecture, and in modern art, the traditional form of sculpture is dying. Why shouldn't our government, why shouldn't we as numismatists, support these men by making such commissions available? We must put the artist back on the pedestal where he belongs.

"My proposal is that the ANA should be instrumental in introducing legislation to have an official coin struck, or several coins struck, to commemorate the 1976 Bicentennial of American Independence. Even if our present laws were not changed, several of our current coins will have passed their 25th birthday. Certainly, this event should be commemorated in this way. The ANA should take the leadership in pushing for proper Congressional action.

"The previous suggestions cannot be implemented by myself alone. However, my next proposal is one which does emphasize the sincere interest we have in promoting art medals. The Medallic Art Company is placing $3,000 in escrow to be used as prize money in a nationwide competition to design a medal to commemorate this Bicentennial. It is hoped that this medal will be one of the finest ever produced in this country. The Medallic Art Company will welcome the participation of the American Numismatic Association, or any other group who feel that this is a worthwhile endeavor."

The reason that I quote from this speech is that I want to emphasize that we have constantly placed the importance on the artist and the historical significance of this event.

This Commission had a responsibility to recommend certain specific action and it did this. I do hope the program that is eventually developed will protect coins and medals from exploitation and over commercialization: will not stress investment value, but rather will stress historical value, in keeping with the dignity of the occasion. It is important that every man, woman and child have the right to buy a single medal or to obtain a single coin at a price he can afford. Although it makes a great deal of sense for the Commission to want to obtain maximum income and maximum distribution, I sincerely hope that we can still maintain the highest standards of fine art and to maintain the historical dignity these pieces so richly deserve. Already there have been a plethora of medals issued of significant historical value.

Our company has been instrumental in helping to design a series of medals to commemorate all of the Signers of the Declaration of Independence. There have been many other private manufacturers who have undertaken similar broad programs. However, it is my firm belief that to a country as great as ours, with our historical heritage, and with the great artistic talent available to us, there is certainly plenty of material available to the American Revolution Bicentennial Commission to create a meaningful medallic program. There is no better way to reach the hand of every common man in this country than through the money that circulates in our coinage. It is for this reason that I do hope that the Congress will see fit to pass legislation for a commemorative coin or coins.

I am no expert in Treasury affairs, and I have no intention of saying what can and cannot be done. However, it does seem to me that with the new Mint and with the new technology, with enough lead time and planning, and with enough advanced production, it certainly would appear that at least a single commemorative coin could be possible.

I feel strongly that this commemorative coin should be a circulating coin, distributed through the Federal Reserve System. Equal distribution is thus assured and every man, woman, and child will have an equal opportunity to obtain such a piece.

DESIGN

We come now to the area of design. To me this offers the greatest area of excitement. I would like to see the coin, the National Medal and the award medal developed by three separate competitions. In themselves, this would create the greatest excitement. It would create a great amount of publicity It would rekindle interest of the art world in the form of the bas-relief medal. I think the avant-garde artist should be invited to participate as well as the traditional. There could be a combination of closed and open competition. For instance, in the coin competition, I would recommend a closed competition. This is a demanding art, one with great technical requirements and I think four or five sculptors who are familiar with the requirements should be invited to participate in this closed competition.

For the National Medal, I feel it should be an open competition, perhaps requesting the traditional artist particularly to enter this competition, for I do think the buying public would prefer a representational design.

For the award medal I would recommend an open competition, perhaps encouraging the contemporary or avant-garde sculptor to enter this particular competition.

Thus, as you can see, all art forms would be involved in these various pieces. You would have a combination of closed and open competition. I think you should get the advice and support of the Fine Arts Commission, the National Gallery of Art, and many of the other professional art organizations to advise you in this area.

TIMING

Now in regard to timing, I think the sooner this medal is issued and distributed, the better. It would take a great deal of time to develop the design of this medal and to build the necessary stocks for broad distribution. I feel that any medal will undoubtedly be produced for several years in order to meet the demand.

I feel the very numbers of people who would want such a piece requires this type of distribution. The Treasury would profit

through its seigniorage, the Bicentennial Commission through those pieces made available to it for those who wish to pay a premium to be assured of obtaining such a piece, and the American public and the numismatist would also benefit, and each would have its own place in the distribution of these commemorative coins.

I will go no further. The extent of the Treasury cooperation will have to be worked out with them. This could be the most exciting aspect of this whole program. So much for the coins.

When appearing before the Bicentennial Commission it was my recommendation that an award medal be developed for the exclusive use of the Commission. I recommended that there be a low relief medal that would be struck for mass distribution on rapid equipment and a higher relief medal of larger diameter for those who wanted to have a special piece for display purposes. I also suggested that perhaps both of these medals be issued in bronze and silver. It seemed to me that a single medal properly produced and widely distributed would lend importance to this piece and would eliminate some of the confusion relative to having a series of medals.

DISTRIBUTION

Assuming that this program were adopted, how could medals be distributed? I believe through the same channels as our money, our banks, and our Treasury Department, and our numismatic sales division. This develops the greatest profit for the government and the Commission. Banks have been willing to do this as a public service in the states of Illinois and California, and we have no reason to believe that this would not be the case throughout our other 48 states.

If private distribution is required, there are literally hundreds of mailorder companies, sales promotion organizations, numismatic distributing companies, who could handle such an assignment, and would be willing to do so.

RECOMMENDATIONS

It should be stated that Medallic Art Company has consistently opposed competition from the United States Mint with private enterprise, and I think with some justification, for I feel some of the so-called national medals have strayed considerably from the norm. The Honorable Leonor K. Sullivan, a member of this committee, has indicated in a speech before the American Numismatic Association last year, that it is her desire to try to develop a more meaningful definition of a national medal. For I must admit that if there ever were justification for a national medal this celebration of the Bicentennial is it.

Therefore, I recommend that legislation be enacted to fulfill the recommendations of the Advisory Coin Medal Council and that further favorable action be taken to allow coinage to be changed to permit a suitable commemorative coin or coins to be issued. Private manufacturers have an ample opportunity to cooperate with the 50 states, patriotic, civic and commercial organizations throughout the country who will want to participate in some way in this celebration. The official medals prepared by the Mint will be consistently controlled and will maintain official government status. I would recommend that further consideration be given to preparing a large 2½" to 3" art medal to culminate this program and to give our country and collector and the ordinary citizen a true art medal suitable for display purposes. There is great historical precedence for this in many of the previous medals already issued. I further recommend that a distinctive award medal be prepared for the exclusive use of the Congress and the President of the United States.

We appreciate this opportunity to present our views to you. Medallic Art pledges its full cooperation to help in any way we can the American Revolution Bicentennial Commission and the Congress of the United States.

Thank you.

THE KEENE SENTINEL THINKS SENSIBLY ON CAMPAIGN PRACTICES

Mr. McINTYRE. Mr. President, we are in the midst of debate and decision on the campaign spending bill.

I support the concept of this legislation because I believe we must not let the opportunity of running for office in this country become the sole prerogative of the wealthy or those who will allow themselves to be bankrolled by special interests.

I believe also that the people need to know and have the right to know who is financing candidates for public office. The people must have the facts about who is putting up the money and have this in time to consider them before they make their final choice at the polls.

These are some of the guidelines I have tried to follow in making my decisions on the legislation on campaign practices.

Some wise words are being written about the need for this legislation. I was impressed by a recent editorial in the Keene, N.H., Sentinel entitled "Election Costs."

The Keene Sentinel has a long record of incisive views and comments on the current scene. The Sentinel has been no less incisive on campaign practices.

I agree with the Sentinel that the legislation we are about to adopt here in the Senate is just a first step. More needs to be done. But then, legislation is the art of the possible and we are now seeking what is possible. Campaign reform has been a long time coming. Now that the ice has been broken, I am sure that further reforms will become possible as we see the results and accomplishments of what we pass in this legislation.

Mr. President, I want all of us to have the benefits of the views of the Keene Sentinel and I ask unanimous consent that this excellent editorial of July 27, 1971, be printed in the RECORD.

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

ELECTION COSTS

As we all learned in our sixth-grade civics primers, politicians are the end product of honesty, intelligence and the democratic process.

But sixth-grade educations have become obsolete in the past ten years and we have learned that money—the root of all evil—is what really makes many politicians. Because without it, honest and intelligent county chairmen, district attorneys and small town lawyers cannot effectively reach for the higher echelons of our democracy.

More than anything else, the advent of television has transformed most politicians—by necessity—into media freaks. Prime time and slick promotional films showing the candidate walking his dog or calming rent-strikers cost money. So do air fare and an army of consultants and aides.

Last year President Nixon vetoed a bill that would have limited radio and television spending in federal elections. The Republicans, who had considerably more millions to spend in the 1968 election than the Democrats, thought their opposition might be trying to equalize party resources on the supposition that, all matters financial being even, the Democrats could take the Republicans any day.

The President may have an opportunity shortly to reconsider his position. The Senate Democratic leadership last week called for consideration of a more comprehensive campaign spending measure. Among other things, it would limit candidates for federal office to spending on media no more than 10 cents per eligible voter; require stations to charge the lowest commercial rate for political spots (thus reducing media costs by a third or more); and repeal the "equal time" provision of the Federal Communications Act for presidential candidates only (thereby allowing the networks to provide free time to major contenders in 1972).

The bill is a barely adequate first step toward alleviating abuses of our electoral system. Assuming that it becomes law, however, it will be difficult to enforce. It also neglects to regulate political contributions and political committees.

Unless individuals are limited in what they may contribute to a campaign, the political process will be continually subject to special influences that may not be in the best public interest. (At the least, limiting contributions would place the cost of ambassadorships within the means of the average citizen.)

And unless political campaign committees are more closely monitored, it will continue to be difficult to determine how much money actually is spent on behalf of a given candidate.

An independent federal elections commission with clear authority to enforce election laws would be a valuable companion reform to the bill now under consideration.

* * * * *

In the meantime, we note some signs of sanity that may induce the parties to impose their own brand of fiscal responsibility to campaign costs.

Party administrators are beginning to recognize that spending money wisely is at least as important as spending it generously. They are discovering that outspending the opponent is no guarantee to victory.

Sixteen of the 35 governors elected last fall, for instance, underspent their rivals on media expenses, in some cases by large margins. (New Hampshire, next to Wyoming, had the least costly gubernatorial media campaign in the nation. Governor Peterson won despite spending $400,000 less than Democrat Roger Crowley, according to the Federal Communications Commission.)

The Democratic national chairman, Lawrence F. O'Brien, also has persuaded six of the major Democratic presidential hopefuls to limit their over-all spending in next year's 22 state primaries to five cents per registered (not eligible) voter. The agreement of the six—Senators Bayh, Harris, Humphrey, McGovern and Muskie and Rep. Wilbur Mills—would limit their primary expenditures to $2.8 million each.

This compares with 1968 pre-convention costs that amounted to $4 million for Humphrey, $11 million for Senator Eugene McCarthy; $9 million for Senator Robert Kennedy; $8 million for Governor Rockefeller; and between $10 and $12 million for Richard Nixon.

O'Brien, of course, is haunted by the spectre of the 1968 Democrats—bled dry by the pre-convention fragmentation of candidates and resources. He wants to make certain that 1972's convention choice has enough small change for the presidential race itself.

Bill or no bill to limit campaign spending, we have hope that Democrats and Republicans alike will approach the next political season a bit more money-wise than in recent elections.

We hope, too, that New Hampshire citizens will disregard their being priced at five and 10 cents a head and not give their votes cheaply.

LEE TREVINO DAY IN EL PASO

Mr. TOWER. Mr. President, yesterday the city of El Paso celebrated "Lee Trevino Day."

Even to nongolfers like myself, the name Lee Trevino has become a household word. As we all know, "Super Mex" won the U.S. Open, the Canadian Open, and the British Open within a 4-week span. This is an unprecedented feat in the world of golf. Such a feat can be compared to a baseball team clinching a pennant by August 1 and winning the world's series in four straight games. Or in the world of politics, it is like a presidential candidate carrying all of the 50 States.

Lee Trevino has brought a sense of excitement to a professional sport that some have in the past considered to be boring unless you were directly participating in the game. "Lee's Fleas," the name given to the gallery that follows Trevino, now even supersedes Arnold Palmer's army in terms of both numbers and crowd enthusiasm. This is certainly a tribute to a man who admits that his golf swing is far from picture pure. Yet, as we all know, it is not the perfect golf swing that counts, but, rather the ability to put the ball in the cup by using the fewest number of shots. Lee Trevino has accomplished this feat more consistently than any other golfer since the days of another great Texan, the great Ben Hogan.

The Lee Trevino story reads like the original Horatio Alger epic. The son of a Mexican-American gravedigger, Trevino was at one time a $30-a-week golf pro in El Paso. To climax the story, it was Lee's wife, Claudia, who put up $20 to get her husband registered for a qualifying round in his first U.S. Open in which he eventually finished fifth. The next year he won that coveted title, a triumph that he repeated this year by defeating Jack Nicklaus in a playoff.

Lee Trevino is the kind of man who, despite his tremendous success, has not forgotten his humble beginnings. Typical of this particular quality was a gift of $4,800 to an English orphanage near the site of his conquest of the British Open.

This is a man that America and the State of Texas can be proud of. His life is also a tribute to the courage and vigor of a proud Mexican-American community that, despite great odds, continues to work hard and progress in our great country.

On this occasion, I would like to extend my sincere best wishes to Lee Trevino, his family, and all the citizens of Texas and Mexico who took part in the festivities in El Paso.

NO-FAULT AUTO INSURANCE WORKS

Mr. HART. Mr. President, nothing instills confidence in a reform like finding it works. So it is with no-fault auto insurance. As limited as the Massachusetts plan is, it is working—at least to the extent of reducing auto bodily injury liability insurance rates in that State. For the benefit of my colleagues, Mr. President, I ask unanimous consent that an article and editorial from Business Week of July 21, 1971, and articles from the Boston Globe, and the Boston Herald Traveler of August 3, 1971, be printed in the RECORD.

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

NO-FAULT WINS ITS CASE

"No-fault will sweep the country like a prairie fire now," says C. Eugene Farnam, Massachusetts Insurance Commissioner. What Farnam is talking about, of course, is no-fault auto insurance, in which the accident victim gets paid by his own insurance company no matter who is at fault. And if Farnam's prediction would have been thought strictly blue-sky as recently as a year ago, it now looks like a simple statement of fact to most of the insurance industry.

Massachusetts was the first state to adopt a no-fault insurance scheme. It went into effect there on Jan. 1 after a fight in the legislature. Insurers supported no-fault but opposed a bid to cut all auto insurance premiums by 15%. In the end, the 15% cut was applied only to personal injury insurance that falls under the no-fault plan, and the bill went through. Seven months later, the plan seems to be working as its backers said it would. Claims are down sharply in a state that has the country's worst accident record, and remaining opposition to the plan pretty much withered away last month when the Massachusetts Supreme Court ruled that the no-fault law was constitutional.

Now Florida has also passed a no-fault law, to take effect next year. Illinois, Oregon, Delaware, and South Dakota have all passed laws requiring insurers to offer "first party" coverage, which motorists would buy to cover their own costs emanating from an accident. Finally, the talk in Washington these days is that the national no-fault bill backed by Senator Philip A. Hart (D-Mich.) could pass Congress in 1972.

HOW IT WORKS

As most auto insurance is written today, a person injured in an accident cannot collect until it has been determined that the other party to the accident was at fault. In other words, every time someone is injured in a car accident, the result can be a long, costly court action.

No-fault insurance means exactly what it says. The victim settles up with his own company, and the case usually does not have to go to court.

The Massachusetts no-fault law is limited to the compulsory $2,000 bodily injury insurance that all motorists must carry. Under terms of the law, motorists are prohibited from suing for pain and suffering unless their actual medical bills total more than $500. Instead, they collect from their own insurance companies, out-of-pocket medical expenses (plus up to 75% of lost wages not exceeding $2,000.

FIGURES TELL

On the basis of figures gathered by Farnam's office, the number of bodily injury claims dropped 62% in the first three months of 1971. More recent figures put together by insurance companies in the state show that the decline in claims leveled off in the spring. Still, it appears that bodily injury claims dipped 25% in the first five months of this year. That is a significant development in a state that has a claims rate 2½ times the national average.

The average cost of each claim, says Farnam, dropped from $205 in the first three months of 1970 to $131 in the same period this year. If that pattern holds, says Farnam, there could be a further cut in premiums of up to 25% next year.

Insurers are wary of accepting Farnam's figures until more returns are in. They argue that many lawyers held back on filing claims until after the state supreme court had its say. Still, most insurers are satisfied that no-fault will save them money. "No-fault is working better than we expected," says James P. Allen, Jr., vice-president and general counsel at Liberty Mutual Insurance Co., the state's second-largest auto insurer.

LAWYERS HURT

The real opposition to the Massachusetts no-fault plan has come from lawyers who see business going out the window. "There is no doubt," says one Boston lawyer, "that no-fault has hurt my business badly."

The law was challenged in a suit brought by the Massachusetts branch of the American Trial Lawyers Assn. in behalf of a Boston motorist and his wife who were involved in a rear-end collision barely 48 hours after the new law went into effect. The lawyers argued that the no-fault law was unconstitutional on 15 counts, among them that it took away the constitutional right of the injured to sue for damages. However, the court ruled that the law was a valid legislative attempt to redress a social problem: too many accident claims. A majority of the seven justices said that, while no-fault goes a long way toward taking away such forms of redress as payments for pain and suffering, it balanced that by the guarantee of prompt payment for the other costs of an accident.

PROPERTY COVERAGE

With the court ruling in, other states are pushing no-fault legislation along, and the Massachusetts legislature is considering several measures that would extend no-fault to property damage. The plan that appears to have the best chance of passage is the so-called "triple option" plan backed by Governor Francis W. Sargent. That would allow a motorist to buy straight no-fault property coverage, a combination of collision and property damage, or simply no property coverage at all.

But no-fault property coverage does not have the backing in the insurance industry that bodily injury no-fault had. Stuart Husband, New England Div. claims manager at Liberty Mutual, says flatly: "No-fault property damage insurance will not accomplish what it did in personal injury."

His view is that inflated claims for pain and suffering were what really pushed up rates in personal injury insurance. Indeed, the American Mutual Insurance Alliance reckons that Massachusetts motorists have saved $76-million on personal injury premiums this year, based on what their coverage would have cost without the no-fualt law. But, says Husband, there is no pain and suffering involved in property damage cases, and the cost of repairing or replacing cars is fairly standard.

Meanwhile, the federal measure pushed by Hart of Michigan and Senator Warren G. Magnuson (D-Wash.) would provide no-fault coverage on both personal injury and property loss claims. It could clear the Senate this year and become law late in 1972.

NO-FAULT INSURANCE WORKS

In 49 of the 50 States, when a motorist gets hurt in an automobile accident, he suffers financially as well as physically. Unless he has personal accident insurance to protect him, he must wait until a court finds the other party at fault before he can collect money to pay his medical bills or to cover lost wages.

This means hardship for the accident victims, costly legal battles for the insurance companies, clogged court calendars, and long delays before personal injury cases come to trial. Cost of coverage is shooting up, and insurance companies are trying desperately, and often high-handedly, to shuck off what they regard as the less desirable risks.

In Massachusetts, though, the accident victim can count on a quick payout—up to $500 in medical bills and $2,000 covering

75% of lost wages—without having to go to court. It comes from his own insurance company. This is because Massachusetts has had a no-fault auto insurance system in operation since January 1.

So far, the results of Massachusetts' experience with no-fault have been impressive. The total number of personal injury claims is down sharply—as is the average cost per claim. Instead of having to jump the rate on personal injury coverage, insurers in Massachusetts have been able to cut the cost by 15%.

No-fault is not the final answer to all that ails the auto insurance industry. The Massachusetts plan makes no provision for reimbursing the accident victim for pain and suffering. Nor does it apply to the more serious cases where damages far exceed its limits. And it does not assess accident-prone drivers with the penalty rate that properly they should bear.

The Massachusetts experiment clearly shows, however, that no-fault deserves a trial elsewhere. It is the only answer that anyone has produced so far to the mounting problems of skyrocketing insurance rates and arbitrary cancellation of policies that threaten to make the whole auto insurance system a bad joke on the policyholders.

[From the Boston Globe, Aug. 3, 1971]

INJURY CLAIMS DROP 50 PERCENT UNDER NO-FAULT

(By David Ellis)

Gov. Sargent announced yesterday that the number of bodily injury claims dropped 53 percent in the first six months of no-fault automobile insurance in Massachusetts.

The figures are based on the claims rate for the first six months of this year as compiled by the state Insurance Commission.

Last year there were 130,000 claims against bodily injury coverage, according to insurance industry spokesmen.

Sargent said the two most obvious conclusions from the figures are that no-fault is working and that rate reductions may be expected next year.

He said he has directed William I. Cowin, secretary of consumer affairs, to "consider both the possibilities of rate reductions on next year's auto insurance payments and the possibilities of rebates on this year's auto insurance payments."

Sargent said the question of rate reductions and rebates is complex, and there are no ready answers.

But he promised to back efforts to extend no-fault coverage to property damage.

There is a bill before the joint Insurance Committee, filed by the Independent Brokers and Agents Assn., to place property damage under no-fault.

According to Committee Chairman Edward J. Dever (D-Arlington), the bill will receive a favorable report from his committee and be in the Legislature for debate soon.

Sargent, at his press conference yesterday, also said that the average of personal injury claims paid by insurance companies during the first six months of 1971 was 53.4 percent less than in the first six months of 1970.

Statistics released by the Insurance Commission showed that the average 1971 personal injury protection claim paid by the insurance companies was $169 as compared with $370 during the similar 1970 period.

Backers of no-fault insurance said during debate last year that the most dramatic decreases in insurance claims would come in personal injury coverage. They reasoned that many motorists involved in property damage claims also filed small personal injury claims, called in the trade nuisance claims, to speed payment for damages.

Through 1970, Massachusetts had the highest rate of personal injury claims of the 50 states.

Whether the 53 percent decrease in the first six months represents "nuisance claims is difficult to determine.

The basic difference between the fault and no fault systems is that if an injury occurs in an accident now, the injured party in most cases collects from his own insurance company. Under the fault system, a determination of blame was made and injured persons collected damages from the company of the party held responsible.

Former State Rep. Michael S. Dukakis, a long time supporter of no-fault insurance, criticized Sargent yesterday for waiting so long to look into the drop in claims.

Dukakis called Sargent's statement "an inexcusably tardy response to a problem which was called to the attention of his administration in early March."

He said he had written Insurance Comr. C. Eugene Farnam asking him to take steps to force the insurance companies to create a reserve in the event rebates are decided on.

Last week 50 Democratic state representatives sent a joint letter to Sargent urging him to take action in the creation of a reserve for rebates.

Sargent was asked at the press conference whether he is reluctant to move in this area. "Are you afraid to take the bull by the horns," a reporter asked.

"I'm prepared to take any bull by any horn," Sargent replied.

[From the Boston Herald Traveler, Aug. 3, 1971]

NO-FAULT CLAIMS DIP 53 PERCENT; RATE REDUCTION PROBABLE

(By Howard White)

The number of auto insurance claims and the average cost of each claim have dropped more than 53 per cent in the first six months of the "No-fault" system, Gov. Sargent said yesterday.

"The figures are better than we dared to hope," Sargent told a news conference.

He declined, however, to promise that motorists will get rebates this year because of the savings resulting from the new system, but he said he would direct newly named Consumer Affairs Secretary William I. Cowin to look into the possibility of rebates and of rate reductions for next year. He termed the likelihood of rate reductions "probable;" the likelihood of rebates "possible."

The governor said it was not yet possible to tell how many dollars had been saved in the first six months of "no-fault."

Figures released by Sargent indicated that the number of injury claims filed in the first six months of 1971 had dropped by 53.2 per cent—from 66,401 to 31,103—and the number paid had similarly dropped 53.4 per cent—from 11,393 to 5,306.

The average amount paid out under each claim, Sargent's figures added, has also dropped 53.4 per cent from $343 to $160.

Under the no-fault system, first of its kind in any state, every motorist must carry insurance protecting himself in the event of injury. In relatively minor accidents which result in the vast majority of claims, a person's medical bills and other out-of-pocket losses are paid by his own company rather than—as in the old system—by the other driver. Who caused the accident is not a factor in payment of these claims.

The constitutionality of the no-fault principle, challenged by trial lawyers, has been unheld by the Supreme Judicial Court.

Figures released by the governor's office also indicated that actual payments by insurance companies in the first six months of 1971 were 78 per cent lower than payments in the same period last year.

But an insurance industry spokesman said that figure was "seriously incomplete," since last year's January to June figures came from complete department reports while this year's came from an informal survey by insurance examiners with company cooperation.

The payments listed as processed this year are mostly small and uncontroversial ones.

The industry spokesman did not, however, dispute the governor's figures indicating the declining trend of claims and average payments. Sargent himself made no reference to the 78 per cent figure.

Sargent earlier this year had released figures for the first three months of the year showing a drop of about one third in claims, but that was before the Supreme Court decision.

"Now, after six months, it is more than a half so the trend is clear," said Sargent. "No fault is succeeding."

But Sargent, who had been a strong supporter of the bill, said that translating the system's success into savings for motorists requires "definitive legal and financial information based on firm statistical evidence," and said he was asking Cowin to get that information.

"The statistical, legal and financial facts involved here are complex, and today's statistics do not provide instant answers," said Sargent. "The full evaluation I am ordering today will provide the information needed. We cannot know our future course in these areas until this study is complete."

Sargent has been pressed to direct Insurance Commr. C. Eugene Farnam to order insurance companies to set aside money for rebates to policy holders as the result of savings from the new system. That pressure was launched by former Rep. Michael S. Dukakis earlier this year. Fifty state representatives wrote Sargent last week urging similar action.

Dukakis called the governor's action "inexcusably tardy" and said Sargent should have ordered the rebate study months ago.

Farnam was not present for the news conference and was not mentioned in the governor's statement, but Sargent said no significance should be read into that. Some members of the governor's staff are unhappy with Farnam and would like to see the governor replace him.

BUSINESS INSURANCE POLL OF CORPORATE INSURANCE BUYERS ON NO-FAULT AUTOMOBILE INSURANCE

Mr. HART. Mr. President, last month, the Business Insurance conducted a poll of its corporate insurance buyer-readers—who spent more than $2 billion annually on motor vehicle insurance—asking their opinion of no-fault auto insurance. Only 5 percent of the more than 300 corporate insurance buyers responding to the questionnaire favored retention of the present tort-liability insurance system. Ninety-five percent favored some type of no-fault insurance reform. Thirty-eight percent favored adoption of a broad no-fault system similar to the Magnuson-Hart plan now pending before Congress. This is quite significant, in my opinion, considering the well-known general antipathy of businessmen for Federal plans and intervention. Sixty-seven percent "opted for national standards set by Congress instead of a hodgepodge of State laws with varying provisions that could cause costly confusion for commercial vehicle operators as well as for private passenger car drivers who cross State lines."

In this connection, the editors of Business Insurance make a cogent observation, namely, "that the 67 percent of buyers who opted for immediate enactment of Federal standards are a lot wiser than the administration officials" calling for the States to "experiment" with various auto reparations systems. The editors go on to say:

If the States continue to "experiment," as Mr. Volpe puts it, we can get into a gummy situation in which there are 51 sets of laws incompatible with each other and impossible to cope with for those companies and individuals who use interstate highways. Why let the States go off in all directions when Federal standards will be needed eventually, they ask.

This is indeed a good question—"why let the States go off in all directions?" To date, five States have enacted auto insurance plans. All five are different, and three of them are not in any sense of the term "no-fault" because they retain fully the inefficient and wasteful tort-liability system.

And even when a State adopts a limited no-fault plan, as did Massachusetts, consumers are not realizing fully the savings brought about by the reform because the State has not taken steps to guarantee premium refunds—according to news accounts in the Boston Globe, which I ask unanimous consent to have printed in the RECORD following my remarks. In fact, State officials from Massachusetts testified at the recent hearings on the national no-fault insurance bills—S. 945 and H.R. 7514—that insurance companies were not passing on enough of the savings from no-fault insurance to consumers in their State. Testimony was received also as to the great profit potential in no-fault auto insurance and the need for consumer protection through national legislation if cost savings are to end up in the pockets of consumers and not the insurance industry.

Therefore, Mr. President, national no-fault auto insurance is needed not only to prevent costly confusion resulting from 51 different plans but to assure that consumers, both corporate and individual, are the true beneficiaries of the savings inherent in genuine no-fault auto insurance reform which would eliminate the wasteful and inefficient tort-liability system for automobile accidents.

Mr. President, I ask unanimous consent that the Business Insurance editorial of July 19, 1971, setting forth the results of its poll, and which I referred to during my remarks, be inserted in the RECORD immediately following my remarks and before the Boston Globe articles.

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

[From the Business Insurance magazine, July 19, 1971]

READER'S MANDATE

More than 300 corporate insurance buyers spoke out on reform of the auto victim reparations system in the poll conducted in *Business Insurance* and reported in our July 5 issue. Federal and state legislators as well as state insurance commissioners ought to pay close attention to the results of the poll, the most significant consumer statement yet made on what changes should be made in the way we compensate auto accident victims.

Corporate insurance buyers, who spend more than $2 billion annually on motor fleet insurance, made clear through the survey that they want federal standards for auto insurance reform. Fully 67% of respondents to the survey opted for national standards set by Congress instead of a hodgepodge of state laws with varying provisions that could cause costly confusion for commercial vehicle operators as well as for private passenger car drivers who cross state lines.

This clear call for federal standards for the auto reparations system is at odds with recent pronouncements by Transportation Sec. John Volpe and Mrs. Virginia Knauer, President Nixon's consumer affairs adviser. Mr. Volpe, in announcing the results of a $2 million study of auto insurance by the DOT, called upon the states to "experiment" with various auto reparations systems. Mrs. Knauer echoed this call but she, like Mr. Volpe, later acknowledged that federal standards might eventually become necessary.

We think that the 67% of buyers who opted for immediate enactment of federal standards are a lot wiser than the Administration officials. If the states continue to "experiment," as Mr. Volpe puts it, we can get into a gummy situation in which there are 51 sets of laws incompatible with each other and impossible to cope with for those companies and individuals who use interstate highways. Why let the states go off in all directions when federal standards will be needed eventually? Neither Mr. Volpe nor Mrs. Knauer has an adequate answer for that question.

Meanwhile, state legislators are going ahead with consideration and adoption of at least 28 separate proposals, most of them loosely described as "modified no-fault plans." One drawback to having state legislators decide upon plans is that most of them do not understand the complexities of auto insurance reform proposals and those who do understand are frequently plaintiffs' lawyers whose vested interest is to retain the aspects of the system that provide them with lucrative legal work.

Ignorance and special interest were at work in Illinois where the legislature adopted a "modified no-fault" plan that is nothing more than a system of advance payments for injured victims with the old tort system piled on top of it. The Illinois program, adopted in response to Mr. Volpe's call for experimentation, will result in higher costs for consumers because it keeps the plaintiff's lawyers in business while providing a weak undergirding of first-party payments.

Fifty-seven percent of *Business Insurance* survey respondents favored "a modified no-fault system with direct first-party payments to injured parties up to a certain amount, but victims would retain the right to sue." We cannot know just how far these readers would modify the no-fault concept, but we presume that they want a system quite advanced from the present tort system which was favored by only 5% of our readers. Thirty-eight percent favored adoption of a broad no-fault system similar to the Magnuson-Hart plan now pending before Congress.

We were especially encouraged that 33% of respondents to the survey favored a concept advanced by this magazine: That auto insurance reform measures embody an equalizing liability factor that would take into consideration the greater potential for damage of large commercial vehicles. No state reform law yet offered has included the concept. Rather, the laws proposed call either for absolute liability for commercial vehicles (as in New York) or make no distinction (as in Massachusetts). A majority of our readers (63%) favors making no distinction between private and commercial vehicles. But this system, as proved in Massachusetts, is inherently unfair to operators of private passenger cars. We believe that an equalizing liability factor based on actuarial analyses is the only fair way to distribute the costs of auto accidents.

Everybody who bears a share of the horrendous cost of our highway carnage should get intelligently involved in the effort to reform the reparations system. Our readers have taken a strong first step by calling for national standards.

[From the Boston Globe, July 17, 1971]

DUKAKIS ASKS REBATES ON INSURANCE PREMIUMS

Michael S. Dukakis, former Brookline representative, yesterday called on Gov. Sargent to order Insurance Comr. C. Eugene Farnam to take steps to guarantee insurance premium rebates to Massachusetts motorists at the end of the year.

In a statement yesterday, Dukakis, one of the prime supporters of no-fault insurance said: "Millions of dollars in overcharges may be involved. To permit the insurance industry to pocket these excess profits because of the sudden drop in claims frequency which neither they, nor the governor, nor the Legislature anticipated at the time of passage of the no-fault law would in my opinion be outrageous."

[From the Boston Evening Globe, July 16, 1971]

DUKAKIS ASKS AUTO RATE REDUCTION

(By Jerome J. Sullivan)

Former State Rep. Michael S. Dukakis of Brookline today asked Gov. Sargent to order Insurance Comr. C. Eugene Farnam to take immediate steps to guarantee auto insurance premium refunds for Massachusetts motorists at the end of the current year.

In a letter to the governor, Dukakis branded as "intolerable" any further delay by the commissioner in ordering companies to establish a special reserve from which end-of-the-year refunds can be made.

"Millions of dollars in overcharges may be involved," said Dukakis. "To permit the insurance industry to pocket these excess profits because of the sudden drop in claims frequency which neither they, nor the governor, nor the Legislature anticipated at the time of the passage of the no-fault law would, in my opinion, be outrageous.

Dukakis said that within recent weeks "all the commissioner's reasons for postponing further action on the refund question have been answered.

"The law has been held constitutional by the Supreme Judicial Court. The commissioner himself has announced detailed first quarter statistics and has suggested that a rate reduction of at least 25 percent—a conservative figure in my judgment—may be justified in 1972."

BIRTHDAY ANNIVERSARY OF SENATOR STENNIS

Mr. PEARSON. Mr. President, I was on the floor yesterday when Senators GAMBRELL, SCOTT, and MANSFIELD took note of the fact that it was the birthday of one of our most distinguished Members, Senator JOHN STENNIS, of Mississippi. Because I was preparing to call up an amendment and was involved in conference with other Senators on it, I missed the opportunity to engage in that colloquy.

So I wish now to add my personal best wishes to Senator STENNIS. I have been especially privileged to serve with him on the Armed Services Committee and on the Ethics Committee of the Senate. And

because we both went to the University of Virginia Law School, our similar background has warmed our relationship through the years. Though we have differed on many issues, I have the highest respect and admiration for him. He embodies the best of Senate traditions and principles.

I wish, therefore, to extend my heartiest congratulations to the distinguished Senator on the occasion of his 70th birthday.

ARE WE REALLY MAKING PROGRESS ON SHOE IMPORTS AND PROTECTING SHOE WORKERS JOBS?

Mr. McINTYRE. Mr. President, all of us who are deeply concerned about what has been happening to American shoe workers and our shoe industry, because of the inundation of foreign imports, were somewhat heartened by the recent announcement of the Italian Ministry of Foreign Trade that Italy would limit shoe imports to this country to the level of the inundation of foreign imports.

It was our hope that this might signify the beginning of some kind of dam against the flood of shoe imports. The more we examine this Italian action, however, the more it is clear that it is of little help. The willingness to limit imports to 5 percent more than in 1970 flys in the face of the fact that Italian shoe imports have already amounted to 22 percent in excess of the 1970 level.

There are other reasons for concern and these are well set forth in articles which have recently appeared in American Shoemaking and in the AFL–CIO News. The latter article reports the comments of the two able leaders of the shoe workers, George Fecteau of the United Shoe Workers and John E. Mara of the Boot and Shoe Workers.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD at this point since I believe the facts and views they contain are important in our consideration of what to do about the flood of shoe imports.

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

RATIONING OF QUOTAS

Quotas, whether voluntary or legislative, have a single problem: who gets how much of what?

In the recent announcements concerning the voluntary quotas to be established by Italy, the Italian Ministry of Foreign Trade announced it will limit exports of footwear to the United States "to avoid the eventuality of unilateral restrictive measures by American authorities." Shoe shipments to the United States will be approved by the Ministry of Foreign Trade only if the volume of exports doesn't exceed the total of 1970 exports by more than 5%.

An export visa from the Italian Chamber of Commerce is now required on all footwear exports. The Chamber of Commerce will also compile statistics on the volume of footwear exports. Companies exporting shoes will have to furnish reports on their 1970 and 1971 shipments at the time they apply for their first visa.

The nitty-gritty comes when those last few percentage points are rationed as to companies. Imports from Italy are already well ahead of last year, so it will take a juggling act to keep all Italian footwear exporters happy.

The establishment of voluntary quotas should be considered a step in the right direction, except for two factors. What happens if domestic footwear production continues to decline? What about rapidly expanding imports from other nations?

To answer the first question, footwear imports from Italy will continue to grow regardless of what happens to domestic production. If domestic production declines, then the 5% permitted growth of Italian imports would actually be capturing a larger share of the market than the 5% permitted growth would seem to indicate.

Had the import quota been based on domestic production, then a fairer quota would have been set.

Talks with Spain are underway to establish voluntary quotas there. Theoretically, they should be based on the same format as the Italian Quotas.

How about Brazil whose exports to the United States have jumped 400% within one year? The production potential in Brazil is fantastic, and reports from various sources point out the facts that labor is cheaper and labor conditions poorer than Italy or Spain is or was reputed to be.

How is Italy and Spain, should she consent to voluntary quotas, going to accept this extremely rapid growth of Brazilian exports to the United States? Not to mention other nations such as Korea, Taiwan, Hong Kong, and possibly India and Red China.

Somewhere along the line someone is going to get a little upset and the whole situation could once again revert to an open export situation.

It would have been better for all concerned, domestic footwear manufacturers and exporting nations had the United States government applied fixed import quotas on one and all. It would have permitted a predictable growth and given other nations the opportunity to expand their export markets to other nations.

So, whoever has to decide "who gets how much of what?" is going to need the wisdom of Solomon.

SHOE UNIONS HIT "VOLUNTARY" IMPORT QUOTA

The "voluntary" Italian shoe export quotas to the United States, recently announced by the White House, were criticized as "far from being a workable solution to the imports problem" by the heads of two AFL–CIO unions last week.

Presidents John E. Mara of the Boot & Shoe Workers and George Fecteau of the United Shoe Workers called the quotas a "fraud" and said that only agreements with teeth in them could be of value.

"Italian shoes have already cost 65,000 American shoe workers their jobs," they said as they pledged to work to get quota legislation through Congress.

The two leaders of more than 80,000 shoe workers declared that the agreement limiting 1971 Italian shoe imports to 5 percent over the 1970 level is worthless because imports are already running about 22 percent over 1970.

Both men suggested that the agreement could be easily circumvented by the Italian shoe industry because its exports to the United States are in terms of dollar value. Simply downgrading the value of the shoes would enable the Italians to increase the actual amount of footwear shipped to this country.

"The American shoe industry can be saved," they stated, "only with hard-nosed quotas supported by tariff restrictions." (7/29/71)

SHAKESPEARE FESTIVAL AT ASHLAND, OREG.

Mr. HATFIELD. Mr. President, one of the outstanding events in Oregon's recreation calendar each year is the Shakespeare Festival at Ashland, Oreg.

In a setting in southwest Oregon which attracts thousands from around the State and country, in a theater which is an authentic replica of the Old Globe Theater of London, we can enjoy the finest of Shakespeare's dramas.

I invite Senators to visit Oregon during the festival time; there is no finer Shakespeare presented anywhere.

I ask unanimous consent to have printed in the RECORD Richard L. Coe's review, written from Ashland, Oreg.

Mr. Coe is the fine dramatic critic of the Washington Post.

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

[From the Washington Post, Aug. 1, 1971]

SHAKESPEARE IN EDEN: OREGON'S QUALITY STAGE

(By Richard L. Coe)

"The audiences are a stirring reflection of the theater's appeal. They are of all ages. Some come in posh cars, others by cycle."

ASHLAND, OREG.—This town of 10,000 has an outdoor theater seating 1,200, a spanking new indoor one accommodating 600 and their six current plays have a quality in performance the equal of any theaters in the land.

An hour by air from San Francisco, Oregon's Rogue River Valley is a comparative Eden in today's America. It produces fruit and lumber for the nation, is free from industrial smog and the Eastern visitor almost regrets telling another soul about it for fear of ruining it all by a land rush.

The theaters began in an odd way. On the Fourth of July, 1935, an afternoon prizefight was scheduled and to whoop things up further, Angus Bowmer, of Ashland's Southern Oregon College, thought it might be fun to present a Shakespearean play in the evening. The play outsold the prizefight. The war years excepted, the Oregon Shakespearean Festival Association has been getting bigger, more impressive every year.

With founder Bowmer now its development consultant, Ashland's two stages give the playwright top position. From Shakespeare the list has been expanded to include Tennessee Williams, Tom Stoppard, Robert Bolt, Joseph Kesselring as well as Webster, Gay, Moliere and Beaumont and Fletcher. Dr. Bowmer and his followers believe in giving the plays straight. Gimmicks to update (or "make relevant") established favorites are considered unworthy and the outdoor performances race along as they did in Shakespeare's day, without intermissions.

The audiences are a stirring reflection of the theaters' appeal. They are of all ages. Some come in posh cars, others by cycle. "No bare feet" is the only rule of dress and the audience costumes are as informal, though less contrived, than those of "Hair's" characters. You note a California car with the day's fishing gear strapped on top, there's a busload of kids from Portland and several seat spaces are reserved for wheelchairs at a convenient ramp. The audiences are strikingly attentive, responsive and, at the end, enthusiastic. That Oregon nights are chilly for outdoor sitting is blithely accepted; blankets are for rent.

This year's productions are: "Much Ado About Nothing," "A Midsummer Night's Dream," "Macbeth," "Henry IV, Part One," "A Man for All Seasons" and "The Glass

Menagerie." Banners around town proclaim to drivers-through: "See Four Plays in Four Days." Dr. Bowmer smiles ruefully: "We haven't got the money to change those yet. They should read: 'See Six Plays in Three Days.' "

The adjoining theaters couldn't be more different, though designer Richard L. Hay miraculously has made the new interior one seem an inevitable modern extension of the original outdoor amphitheater.

The latter was constructed in 1947 in the Tudor Style of London's Fortune Theater in Shakespeare's time, stucco and timber, a thrust stage with a two-level inner stage, a scheme which made possible the flow of scenes the plays originally had, a reversal of the elaborate picture-stage setting that engulfed them for a century or so.

Opened a year ago, the indoor Angus Bowmer Theater has the latest in design, a fan-shaped auditorium with continental (no aisles) seating and a stage that can thrust out but also reach back for picture-stage effects. The lighting for "Dream" indeed is magical and a delicately attuned sound system can flood the air with the modern sounds W. Bernard Windt composes for each production. Music at Ashland plays an important but never obtrusive role. A skilled luthier, scholarly Windt sometimes calls on period airs, sometimes turns to electric sound.

There are 74 actors in the company and 100 more people on the unseen staff. On a union basis such a group would be financially impossible but the score or two members I have talked with seem more than content to be doing their own thing for a living. Though prices have risen and unemployment exists in the Rogue River Valley, living costs here are well under those of the big cities where actors usually must live.

"Where else could I play such parts and in such non-polluted atmosphere?" one of the young principals asked me. "Look around you at the mountains, listen to the stream over the rocks here in Lithia Park. So, if I were making union scale—If—I say—in New York, Chicago, you name it, what would I have to look at when I'm not working? Frankly, I hope the unions never move in on us out here. We couldn't live with 'em."

There is one Equity Guest Artist, Jim Baker, an Ashland veteran and member of Equity companies in San Francisco and Milwaukee. A young man, he's here to play Falstaff and a splendid Falstaff he is, mixing the humor and pathos of the old man with judicious aplomb.

But the other players are experienced and professional and all veer from major roles to small ones. "Henry IV" for instance boasts two splendid actors, Ric Hamilton as Hotspur, Tom Donaldson as Hal Terrse, sinewy Hamilton is a California native, trained in Texas and has three other roles, "Ado's" Benedick, "Menagerie's" Tom, and "Dream's" Demetrius, a range of fellows to whom he brings striking subtleties. Donaldson, tall and blond, is a native New Yorker, Off-Broadway alumnus, creator of Cafe La Mama characters whose Hal is worthy of any company and also in scoring as Henry VIII in the Bolt drama.

Scarcely visible in several of the plays, J. Steven White (Illinois-born, SMU-trained) steps out as an absolutely brilliant, daring Puck for "Dream," a performance of marvelously conceived detail and elan. So often forced in many productions, the play-within-a-play of Ashland's "Dream" is accomplished with rollicking, rich humors, the social counterpart to Athenian highlife that it must be.

In Shakespearean works, actresses get fairly short shrift but the girls, given their chances, are the men's equals. One to watch is Brooklyn's Fredi Olster, an enchanting Helena, a resourceful Beatrice and Laura for the Williams play. Martha J. Tippin's Lady Macbeth is sharply individual and Shirley Patton is a witty Hermia. From her gritty "Macbeth" witch Diana Bellamy glides into Williams' Amanda.

One might go on but the point is that the leads are clearly experienced and share a forgotten discipline: speech. In general, I found Ashland's speech well above average and was delighted to settle for too much care rather than not enough. Finally, I enjoyed the luxury of getting the company's level not from a single production but from several.

Around the productions have grown a lardening of subsidiary activities. The area people have created their own supporting organizations, ushering, catering, financing. Running through August, the Institute of Renaissance Studies offers college credits for seminars on several themes, under respected scholars from all over the land.

In the manner of Ontario's Stratford, Ashland now has an information center, presenting an informative film (narrated by ex-Washingtonian Richard Lincoln) and a tour of the building complex. Radio programs, plus an NBC network special, are weekly events.

Most important, Oregon and California schools are now being reached throughout the year. Lecture teams last year covered 171 schools from grades 3 through 16, over 6,000 students from 223 schools attended special matinees. With the indoor theater, it's now possible to have winter and spring seasons for which the company is naturally very reduced but nonetheless active. The Oregon Arts Commission, with a modest grant, is beginning to see that Ashland's venture has enormous value to the whole state.

My own first Ashland visit was in 1964 and since then the group's advances have been immense. That year there were 70 performances in two cities (12 of them for California's Stratford Summer Festival). This year the total will be 217 performances at, so far, around 90 per cent capacity, with the usually sold-out final six weeks likely to raise that percentage much higher.

As for the future, Dr. Bowmer and his Let's-make-it-work-on-time wife, Gertrude, are more hopeful than seven years ago. Then they had reached that point Zelda Fichandler recognized when her first Arena Stage had to close because income had gone as high as capacity allowed. The income potential had to be expanded and what became the Bowmer Theater has afforded this.

Apart, probably, from San Diego's B. Iden Payne, Dr. Bowmer is the only man in the country to have produced all 37 of Shakespeare's plays. He's played 32 roles in them in 43 different productions and has such confidence in them that he laughs at directors who feel they have to be produced for "relevance," musing aloud that "the play I enjoyed doing the most, is 'Pericles.' Can you beat it, 'Pericles?' I've done it twice, 10 years apart, and I'm always learning something about that play some people claim Shakespeare didn't even write."

Because his successor, Jerry Turner, has been on hand either as actor or director for nine seasons, Dr. Bowmer is confident of the future. "Our job now is to broaden across the state and that's my job as development consultant. Each year Mrs. Bowmer and I escort a theater tour for a month in the British Isles, but apart from that, retired now from the college, I'll be on duty."

To succeed Bowmer, Jerry Turner resigned his post as drama chairman for the University of California at Riverside and his present main concern is to expand the winter and spring seasons in the indoor theater. A great believer in playing to his audiences and not a handful of critics, Turner is mulling old plays but is not averse to new ones.

With Turner is his wife, Mary, a former member of the company, which makes the visitor suddenly realize that for several days now he's met X, Y or Z whose wife, A, B or C also is a member of the company as actress, singer, dancer or technician.

Ashland, apparently, is as healthily sane a spot for theater people as it is for zestful Oregonians. If you're going to be West before the season ends Sept. 12, head for the Rogue River Valley, though you'd better check through one of the box offices scattered through California, Washington and Oregon. Only don't tell too many people. We don't want to ruin everything.

THE REAL ENVIRONMENTALIST

Mr. HUMPHREY. Mr. President, there is a lot of concern today about our environment. And there should be. We can hardly exist in a world that is polluted, clogged, and smog infested.

And, for many of us, ecology has been without partisan overtones.

Regrettably, this posture has not been the practice of the administration. It has claimed credit for being an "environmentally oriented administration." It points with unabashed pride to things "it has done to improve the environment.

Mr. President, I would like to set the record straight. On the crucial questions of the environment, this administration has been pulled and pushed into action.

Peter G. Stuart, in a recent Christian Science Monitor article, "Environmental President," makes this clear. Stuart notes that the Council on Environmental Quality was devised by Democrats in Congress, that the rejuvenation of the 1899 Refuse Act was the work of the House Conservation and Natural Resources Subcommittee, and that much of the antipollution legislation was written by the Senate Air and Water Pollution Subcommittee.

Mr. President, I ask unanimous consent that Mr. Stuart's 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:

ENVIRONMENTAL PRESIDENT

(By Peter C. Stuart)

WASHINGTON.—Richard Nixon, we are now told, is "the first truly environmental President."

The Chamber of Commerce at Nashua, N.H., got the word firsthand from Secretary of the Interior Rogers C. B. Morton.

The source is a curious one. Mr. Morton is remembered as the man whom Mr. Nixon appointed six months ago after firing his administration's most outspoken envrionmentalist, Walter J. Hickel.

The new Interior Secretary, too, is evidently given to overstatement, at least where his boss is concerned.

Rhetorical pollution spews freely these days from all quarters. But when it comes from the top of the government, it carries the stamp of officiality—and deserves special examination.

The nation's "first truly environmental President," someone has calculated, never once mentioned the topic of environmental quality during his 1968 election campaign.

He has since compensated for this oversight, however, with a sprinkling of solid environmental works—and a torrent of environmental words.

"The President," Secretary Morton proclaimed back in New Hampshire, "restructured and revitalized the federal govern-

ment to cope with the critical problems of the environment." He specifically mentioned creation of the President's Council on Environmental Quality.

Whoa, there. The council—the President's environmental right arm—was devised by Democrats in Congress (Sen. Henry M. Jackson of Washington and Rep. John D. Dingell of Michigan) and foisted upon a reluctant President Nixon.

Another member of the President's environmental "team" also has let his rhetoric get away from him. William D. Ruckelshaus, administrator of the Environmental Protection Agency, boasted to the National Press Club earlier this year that "we dusted off the 1899 Refuse Act."

Nothing could be further from the truth. Not only was the musty old law against water pollution "dusted off" by someone else (the House Conservation and Natural-Resources Subcommittee chaired by Rep. Henry S. Reuss (D) of Wisconsin), but the Nixon administration resisted enforcing the rediscovered law for months.

"Judge us by our actions, not our words," the President (in substance) has counseled his critics. What better measure of environmental action than money spent?

In its first two fiscal years, the "first truly environmental President" and his administration spent proportionately less money for natural-resources functions than the average for the previous 10 years.

Although Mr. Nixon proposes nearly doubling such outlays in the upcoming fiscal year, among the budget's 13 functional categories natural resources still falls tenth.

When this budget was released earlier this year, pollster Louis Harris was reporting that Americans rated environmental pollution as "the most serious problem" facing their communities.

All of which gives an ironic twist to the claim made by Secretary Morton last month to the National Audubon Society convention:

"President Nixon's leadership is helping us develop a better understanding of priorities."

There is some evidence that environmental drumbeating, while it won't clean up pollution, may sway public opinion. The Harris Poll recently reported that Americans rate environmental newcomer Nixon higher on "air and water pollution control" than Sen. Edmund S. Muskie (D) of Maine (36 percent to 33 percent). Never mind that Senator Muskie has been writing antipollution legislation, virtually alone, since the early 1960's—long before it became good politics.

GENOCIDE: ASKING THE HARD QUESTIONS

Mr. PROXMIRE. Mr. President, there is no anguish like that of the man who loves his country, and who believes that his country is committing grave errors in policy. We prefer to believe that our own Government is right most of the time; but it remains a part of reality that sometimes governments do make mistakes—sometimes very grave mistakes. Often it seems that there is little that any individual can do to affect change in government; a government may seem unresponsive or even arrogant in its disregard for the concerns of its citizens. But it is the duty of the conscientious citizen to stand up and do whatever he can, however minute in scale, to make his objections known.

The great French writer and philosopher, Jean-Paul Sartre, found his country—and, as a citizen, himself—in such a position during the French intervention in Algeria. In Sartre's view, the French had become involved in a war which inevitably led to acts of genocide. What could be done? What could a man do to preserve his integrity and his decency?

The problem, Sartre wrote, is that the French had not been willing to ask themselves the hard questions about their Government which so sorely needed to be asked. If such actions should ever occur, would they be willing to condemn acts of genocide committed by their own soldiers as vociferously as they condemn genocide perpetrated against the French?

Admittedly, the answers do not come easily.

I do not think that the United States will ever find itself in such an untenable position; there is a basic decency, I believe, which would never permit or condone such a situation. Therefore I think that the United States would have nothing to lose, and much prestige to gain, by ratifying the convention against genocide. Surely we are united in opposition to the crime of genocide. By ratifying the convention, we would be applying the substance of law to our common belief.

Hopefully the United States would never have to be confronted with the situation which Sartre describes as:

This terrible truth: that if nothing can protect a nation against itself, neither its traditions nor its loyalties nor its laws, and if fifteen years are enough to transform victims into executioners, then its behaviour is no more than a matter of opportunity occasion. Anybody, at any time, may equally find himself victim or executioner.

Mr. President, I do not believe that the American people will ever find themselves cast in the role of victim or executioner. The Senate can help guarantee that by ratifying the Genocide Convention.

At this point I ask unanimous consent that excerpts from an essay written by Sartre, who discusses some of his thoughts about the French experience in Algeria, be printed in the RECORD. I believe that they bear upon the present situation.

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

EXCERPTS FROM "A VICTORY" BY JEAN-PAUL SARTRE

In 1943, in the Rue Lauriston (the Gestapo headquarters in Paris), Frenchmen were screaming in agony and pain: all France could hear them. In those days the outcome of the war was uncertain and we did not want to think about the future. Only one thing seemed impossible in any circumstances: that one day men should be made to scream by those acting in our name.

There is no such word as impossible: in 1958, in Algiers, people are tortured regularly and systematically. Everyone from M. Lacoste (Minister Resident for Algeria) to the farmers in Aveyron, knows this is so, but almost no one talks of it. At most, a few thin voices trickle through the silence. France is almost as mute as during the Occupation, but then she had the excuse of being gagged.

Abroad, the conclusion has already been drawn: some people say our decline has gone on since 1939, others say since 1918. That is too simple. I find it hard to believe in the degradation of a people; I do believe in stagnation and stupor. During the war, when the English radio and the clandestine Press spoke of the massacre of Oradour, we watched the German soldiers walking inoffensively down the street, and would say to ourselves: "They look like us. How can they act as they do?" And we were proud of ourselves for not understanding.

Today we know there was nothing to understand. The decline has been gradual and imperceptible. But now when we raise our heads and look into the mirror we see an unfamiliar and hideous reflection: ourselves.

Appalled, the French are discovering this terrible truth: that if nothing can protect a nation against itself, neither its traditions nor its loyalties nor its laws, and if fifteen years are enough to transform victims into executioners, then its behaviour is no more than a matter of opportunity and occasion. Anybody, at any time, may equally find himself victim or executioner.

Happy are those who died without ever having had to ask themselves: "If they tear out my fingernails, will I talk?" But even happier are others, barely out of their childhood, who have not had to ask themselves that *other* question: "If my friends, fellow soldiers, and leaders tear out an enemy's fingernails in my presence, what will I do?"

Suddenly, stupor turns to despair: if patriotism has to precipitate us into dishonour; if there is no precipice of inhumanity over which nations and men will not throw themselves, then, why, in fact, do we go to so much trouble to become, or to remain, men? Inhumanity is what we really want. But if this really is the truth, if we must either terrorize or die ourselves by terror, why do we go to such lengths to live and to be patriots?

These thoughts have given us strength; false and obscure, they all unravel from the same principle: that man is inhuman. Their purpose is to convince us of our impotence. They will descend on us if we do not face them squarely. We must let other nations abroad know that our silence is not an assent. . . .

Torture is neither civilian nor military, nor is it specifically French; it is a plague infecting our whole era. There are brutes East as well as West. One could cite Farkas, who not so long ago tortured the Hungarians, and the Poles who admitted that before the Poznan riots the police often used torture. The Khrushchev report shows conclusively what was happening in the Soviet Union when Stalin was alive. Men who only yesterday were being "interrogated" in Nasser's prisons have subsequently been raised, still in a rather battered state, to high places. Today there are Cyprus and Algeria. In other words, Hitler was only a forerunner.

Disavowed—sometimes very quietly—but systematically practised behind a facade of democratic legality, torture has now acquired the status of a semiclandestine institution. Does it always have the same causes? Certainly not: but everywhere it betrays the same sickness. But this is not our business. It is up to us to clean out our own backyard, and try to understand what has happened *to us*, the French.

OUTSTANDING PERFORMANCE BY THE NEW JERSEY SYMPHONY

Mr. WILLIAMS. Mr. President, during this past weekend the New Jersey Symphony Orchestra gave several performances at the new Wolf Trap Farm for the Performing Arts in Vienna, Va. In Monday's Washington Post, music critic Alan M. Kriegsman reviewed the orchestra's Saturday evening performance in glowing terms. To quote Mr. Kreigsman, the orchestra rates "only a few notches beneath the Nation's finest," and "the sound and texture are glorious." Mr.

Kreigsman singled out the orchestra's conductor, Mr. Henry Lewis, for lavish praise, which I am certain is well deserved.

Mr. President, I know that all New Jerseyites join me in a feeling of great pride in their State's symphony orchestra, and I ask unanimous consent that Mr. Kriegsman's review describing the orchestra's outstanding performance at Wolf Trap be printed at this point in the RECORD.

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

[From the Washington Post, Aug. 3, 1971]

NEW JERSEY SYMPHONY

(By Alan M. Kriegsman)

Until Saturday night, when he led the New Jersey Symphony in one of several appearances at Wolf Trap, it had been quite a few years—perhaps seven or eight—since last I heard Henry Lewis conduct. Back then, in California, he seemed a promising youngster, no more and no less. Now that promise has been realized, more fully and more brilliantly than anyone could have anticipated in so short a time.

To start with, there is the miracle he has wrought with the New Jersey Symphony. If you have been entertaining any vague notions, as I have, that the Jersey orchestra must be some hick outfit, you couldn't be more in error. I don't know what it was like when Lewis took over in 1968, but now it rates only a few notches beneath the nation's finest.

It is prefectly clear from the orchestra's response to his command that Lewis must have had a great deal to do with the ensemble's present excellence.

The sound and texture are glorious, throughout every choir. The strings could use more body, possibly, but their quality is wondrously silken. Splendid winds and brass; the horns are particularly strong, and the first oboe is outstanding. I looked over the fine percussion section and noted to myself that only once before, years ago in New York, had I seen a lady timpanist of this caliber. Sure enough, inquiry confirmed the same gal, Elaine Jones, who really knows how to make those tubs sing and is right there rhythmically with an exactitude that is rare.

From this extraordinary instrument, Lewis drew extraordinary results. His baton work is a pleasure to watch, not just because it is crystal clear and graceful, but because it is a perfect graphic analogue of the ebb and flow of the music. And from the orchestra it summons amazingly vital rhythms, lively articulation and supple, shapely dynamic curves.

The opening orchestral potpurri from "Der Rosenkavalier" was as voluptuous, as subtle, as endearingly romantic as one could wish, and incidentally, it couldn't have sounded more thoroughly "Viennese" in style had Strauss himself been at the helm. All of which is to say that the most impressive thing about Lewis is the interpretive maturity he has achieved.

If I have delayed this long in talking about Lewis' illustrious wife, soprano Marilyn Horne, who was the evening's guest soloist, it was only because she is a known quantity, while to many of us, he is not. But certainly, the concert's triumph was as much of her making and, together, they are quite some combination indeed.

It is hard to think of another singer today who is as much the total artist as Miss Horne. She's got everything—staggering technique, a voice as radiant and true from chesty bottom to soaring top, impeccable musicianship, and a personal intensity that makes listening to her almost unbearably affecting.

She delivered the goods, too. Her sensitivity and restraint in the "Che faro" from Gluck's "Orfeo" were no less winning than the luscious cantible of her "Nobles seigneurs, salut!" from Meyerbeer's "Les Huguenots," or her infinite tenderness in "Mon coeur s'ouvre à ta voix" from Saint-Saëns "Samson et Dalila." In Rossini's "Non temer d'un basso affetto," from "The Seige of Corinth," she has as fantastic an exhibition of colorature virtuosity as I ever hope to hear, yet her unfailing musicality kept it within the strictest bounds of tastefulness. She required the prolonged cheers of the crowd with equally stunning "Cruda sorte," from the same composer's "Italiana in Algeri."

The program ended with Glazunov's Symphony No. 5 in B Flat, resurrected from its relative obscurity in a performance of immense warmth and spirit. This was the final sign—a conductor who can make second-rate music sound supremely inspired is really one to watch.

THE CROSS OF MICRONESIA

Mr. FONG. Mr. President, with the advent of the Nixon doctrine and the reversion of Okinawa, the strategic importance of Micronesia has become increasingly clear to more and more Americans. But what is the U.S. strategic interest in Micronesia? What are the U.S. political interests? And what do the Micronesians want?

I invite attention to an important article on Micronesia which appeared recently in the Naval War College Review. It was written as a research paper at the Naval War College, the senior naval school for future flag officers.

The authors are Lt. Col. Vincente T. Blaz, a native of Guam who is a career Marine officer, and Samuel S. H. Lee, a native of Hawaii who is a career Foreign Service officer. While the opinions expressed in the article are theirs personally, the authors bring an unusual perspective to a complex problem.

I ask unanimous consent that the article entitled "Cross of Micronesia," published in the Naval War College Review for June 1971, be printed in the RECORD.

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

THE CROSS OF MICRONESIA

(A research paper prepared by Lt. Col. Vincente T. Blaz, U.S. Marine Corps and Mr. Samuel S. H. Lee, Department of State School of Naval Warfare)

INTRODUCTION

The cross of Micronesia

In the summer of 1970 the Congress of Micronesia rejected a U.S. offer of commonwealth status that would have enabled Micronesians to obtain U.S. citizenship easily and permitted an indefinite continuation of funds for the economically poor Trust Territory of the Pacific Islands.

To most Americans the rejection must seem surprising and puzzling. It must also be especially bewildering, for in recent years the United States has been increasingly generous in meeting Micronesian needs. After years of a constant budget ceiling of $7.5 million, the budget was more than doubled to $17.5 million in fiscal 1963 and then raised to $25 million in 1967, $35 million in 1968, $50 million in 1970, and $60 million in fiscal 1971.

This lavish attention, however, followed 20 years of neglect, indifference, and thoughtless decisions on the part of the United States. The political, economic, and social stagnation of those years was aggravated by the removal of the entire population from Bikini, Eniwetok, and Kwajalein to permit the use of these islands for nuclear tests and antiballistic missile development. This past is the cross which the United States bears today in Micronesia, and this burden—despite an increasingly active program of development in all fields—is compounded by the dilemma which the United States faces between its strategic interest and its moral and legal obligation for democracy, self-government, and self-determination.

The Micronesians, on the other hand, bear a much heavier cross—an accumulated burden of 450 years of foreign rule. One can imagine hearing the sigh of an old Saipanese who learned Spanish as a child, went to a German school in his youth, spoke Japanese as an adult, and now struggles with English in the twilight of his life.

Unlike the previous administrations, however, and despite its record of past neglect, the United States has intended in good faith to further the best interests of the Micronesians. The United States is now devoting increasing resources toward improving its administration, fostering the development of political institutions, promoting economic progress, and developing educational and health programs.

Yet, there is a growing feeling among Micronesians that the United States, in the development of Micronesia, is changing the islands and the islanders utterly—if it has not already done so. In other words, the development of Micronesia would mean the Americanization of Micronesia. Not all Micronesians would object to such a prospect, but the coming of age of Micronesia is intertwined with a crisis of identity and status.

In examining the Cross of Micronesia, the authors sought to consult with as many United States, Micronesian, and United Nations officials as possible, although this was difficult because of their location at the Naval War College in Newport. They were fortunate, however, in having the opportunity of meeting with Senator Henry M. Jackson and Representative Wayne N. Aspinall, Chairmen of the respective Senate and House Committees on Interior and Insular Affairs.[1] They also consulted with officials in the United Nations Secretariat and especially acknowledge their gratitude to Minister Kenneth Rogers of Australia, Chairman of the United Nations Visiting Mission to the Trust Territory in 1970. Finally, while on an official visit to Washington, two prominent Micronesians—Leo A. Falcam, Executive Officer of the Trust Territory Government, and Dwight Heine, Special Consultant to the High Commissioner of the Trust Territory—were most gracious in taking time off from their busy schedules to discuss the future of their homeland. The authors were unable to travel to Micronesia although one of them became acquainted with several elected Micronesian representatives while visiting the trust territory several years ago, and it is principally through the words of these Micronesian representatives and their official documents that the Micronesian side of the story of the Cross of Micronesia will be presented.

Description of Micronesia

Micronesia is now used as a term synonymous with the Trust Territory of the Pacific Islands. It comprises the islands of three archipelagoes—the Marshalls, the Carolines, and the Marianas with the exception of Guam which is an unincorporated U.S. territory—lying north of the equator and considerably west of the Hawaiian Islands. There are six administrative districts, four of

Footnotes at end of article.

which—Palau, Yap, Truk and Ponape—lie within the Carolines. The Marianas and the Marshalls each form a district.[3]

There are more than 2,000 separate islands scattered over an ocean area of 3,000,000 square miles or approximately the size of the continental United States. However, the total land area is less than 700 square miles or somewhat larger than the island of Oahu. Although there are large volcanic islands, the great majority are less than 1 square mile in area, giving rise thereby to the name Micronesia (small islands) which distinguishes this area from Melanesia (black islands) to the south and Polynesia (many islands) to the east.[3]

The people of the trust territory are classified as Micronesians except for about 1,000 Polynesian inhabitants of Kapingamarangi and Nukuoro. This classification, however, carries no implication of a homogeneous population, for regional and local groups exhibit marked variations in physical characteristics, languages, and customs. Nine major languages with multiple dialects indicate clearly the distinctive ethnic entities within the trust territory.[4]

The Chamorros of the Marianas and the Marshallese are the most Westernized, the former reflecting Spanish acculturation and the latter mirroring over 150 years of contact with American sailors and missionaries. Japanese influence remains strong, particularly in the Carolines where there was extensive intermarriage between the Japanese and the local people. The total population was 102,250 in 1970.[5]

Historical background

Despite the disparate cultures separated by vast expanses of water, there is a basic similarity in the life style of island dwellers—that fine adjustment to the ecology of a small tropical island. The real common bond, however, has been foreign bondage. The Spaniards, the Germans, and the Japanese all have left their imprint, and each departed in haste and in defeat.

Micronesia first came to the attention of the Western World when Ferdinand Magellan sighted Guam on 6 March 1521.[6]

The Spanish claim of sovereignty over the Marianas, the Carolines, and the Marshalls was challenged in the 19th century. In 1885 Germany seized the Marshalls. In 1898 the United States defeated Spain in a brief war and acquired Guam and also Puerto Rico and the Philippines. The next year Spain withdrew from the Pacific and sold the rest of the Marianas and the Carolines to Germany.[7] German control of Micronesia was abruptly terminated at the outbreak of World War I when Japanese naval squadrons took possession of the undefended islands.

Spanish colonial policy in the Pacific was autocratic and restricted to the pacification and Christianization of the Marianas. The Chamorros resisted Spanish rule, and the most obvious result of the Spanish-Chamorro wars in the 17th century was the decimination of the native population from an estimated 50,000 to 100,000 to less than 5,000.[8]

The German administration was also autocratic but efficient in economic development, including the use of forced labor which provoked a futile rebellion in 1910 by the Ponapeans on Sokehs. The Germans publicly shot 17 Ponapeans under a tree in Colonia which still stands and shipped the rest of the community to Palau, a thousand miles away. It was a severe punishment to inflict on the Micronesians, one of whose chiefs expressed their attitude toward their homes thusly, "Even though I travel on all the islands, my own island will remain in my head. No one can make me forget it." The exiled Ponapeans succeeded in prevailing upon the Japanese to repatriate them to their homeland in 1922.[9]

Japanese rule was complete and direct, and the policy was to develop the islands economically and settle Japanese colonists and subsequently in the 1930's to establish military bases in preparation for World War II.[10] Although Japanese rule was intended for the benefit of Japan, most Micronesians now look back fondly to the period between the wars which was marked by prosperity, peace, and propriety of relations between the two peoples. For some other Micronesians, however, there are unhappy memories. Dwight Heine, for example, was impressed into a Japanese labor battalion during the war, and both of his parents were beheaded by the Japanese.[11]

UNITED NATIONS STRATEGIC TRUSTEESHIP

The Wilsonian legacy

It may be said that world is a little different today because of American idealism. The map of Europe was redrawn in 1919 because of the Wilsonian principles of self-determination and nonannexation. And so were the maps of Africa and Asia after World War II.

At the Versailles Conference, Japan sought outright annexation of the Mariannas, the Carolines, and the Marshalls, to which Great Britain and the other European Allies had agreed secretly in 1916. President Wilson, however, opposed Japanese annexation—not only in principle but also because of the realization that Japanese possession of Micronesia was not in the interests of the United States, since the islands could be used against Guam and the Philippines.[12]

Only force would have dislodged the Japanese, but Wilson succeeded in preserving both his principles and the minimal U.S. strategic interest through the adoption of the concept of mandates. In 1920 the Council of the League of Nations confirmed a Class C Mandate for Japan which provided that the islands were to be open to visitation and unfortified. While this did not prevent the Japanese from closing off the islands in 1935, recent investigation indicates that large-scale militarization did not occur until the late 1930's when the road to war was discernible.[13] A postwar inspection also indicated that the vaunted Truk bastion was a fraud among fortresses" in that its defenses were superficial.[14]

That Japan was to lose the islands completely at the end of the war was clear, but there was an intense debate among civilian and military officials as to whether the United States should seek outright annexation or submit to some form of internationalization in succession to the mandate system.[15] The Atlantic Charter ("no aggrandizement, territorial or otherwise") and the Cairo Declarations ("no thought of territorial expansion") had now been added to the Wilsonian legacy which again triumphed, this time in the form of a strategic trusteeship.

In the Trusteeship Agreement approved by the Security Council and the U.S. Government,[16] the Trust Territory of the Pacific Islands was designated a strategic area and the United States the Administering Authority with the right to fortify the islands and to close off any part of the territory for security reasons. The terms of the agreement cannot be altered without the consent of the Administering Authority. Finally, the functions of the United Nations relating to the strategic trusteeship were to be exercised by the Security Council with its rule of unanimity instead of the General Assembly.[17]

The strategic trusteeship may be described as an excellent example of the reconciliation of the requirements of international law with the security interests of a great power. That the United States chose this road, not once, but twice in a lifetime, is testimony to the traditional American championship of freedom and a tribute to the vitality of the Wilsonian legacy.

Objectives of the trusteeship

The historical importance of the mandate system was that it embodied the principle of international accountability—that the well-being and development of the dependent people former "a sacred trust of civilization." There were three classes of mandates: A for the Middle East, B for Africa except Southwest Africa, and C for the Pacific islands and Southwest Africa. The class C designation denoted that the people were not deemed capable of self-government for the foreseeable future.

The League of Nations Covenant was silent on the future poltical status of the mandated territories except for those in the Middle East which were classified as A or suitable for eventual independence. The United Nations Charter, however, explicitly declares in article 76(b) that a basic objective of the trusteeship system shall be the progressive development of the inhabitants of the trust territories toward "self-government or independence."

This basic objective is contained in article 6 of the Trusteeship Agreement which spells out in detail the responsibilities of the United States. In return for unfettered strategic control and use of the islands and in discharging its obligations under article 76(b) of the United Nations Charter, the first paragraph of article 6 of the Trusteeship Agreement commits the United States to:

"1. foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory towards self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end shall give the inhabitants of the trust territory a progressively increasing share of the administrative services in the territory; shall develop their participation in government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends."

The remaining three paragraphs of article 6 obligate the United States to promote economic advancement, including the protection of the inhabitants against the loss of their lands and resources; social advancement, including the protection of fundamental rights and freedoms; and educational advancement.

When the Trusteeship Agreement came into force in 1947, the U.S. Navy continued to administer the islands. In 1951 responsibility for administration was turned over to the Department of the Interior. The headquarters, then in Honolulu, was transferred to Guam in 1954 and finally to Saipan in 1962.

FRUGALITY AND NONDISTURBANCE

The first 15 years of the trust territory were marked by a policy of frugality and nondisturbance of the Micronesians. The policy was intended to foster the growth of a modernized native society by encouraging only that which is believed desirable in the native culture. It was opposed to the school of assimilation into the "superior" society of the dominant group (i.e., the United States).

In reality, however, the policy of frugality was dictated by a sense of priorities embodied in the Marshall plan and point 4. A leading student of Micronesia, Professor Norman Meller of the University of Hawaii, concluded that the policy more closely approximated the "zoological park" idea.[18] Another writer termed it the "squirrel philosophy"—"The islands became a treasured 'nut' to be buried in the South Seas and not to be disturbed until 'winter'—when the hardships of political climate would stimulate growing hunger for a reliable western Pacific defense line."[19]

Micronesia, however, was not a zoological park under the Japanese who had developed it economically. The Micronesians profited in the process and became increasingly dependent on a money economy and began to

Footnotes at end of article.

appreciate the efficiency of the machine age and its products. The Japanese also provided education, medical care, and community services such as electricity in the urbanized areas.[20]

Of greater significance were Japanese immigration and intermarriages with the Micronesians. By 1940 the Japanese outnumbered the Micronesians by 70,000 to 50,000. The Japanese not only ruled Micronesia, but also worked and lived with the Micronesians. At the end of the war, however, the United States repatriated all Japanese nationals from the islands. The abrupt departure of so many people could not but entail cases of personal hardship, including the separation of relatives, and Micronesian petitions to the United Nations in the immediate postwar years often centered around Japanese husbands and relatives.[21]

In this context the "zoo" policy meant turning the clock back.[22] The infrastructure destroyed during the war remained largely unreconstructed, and a long period of economic stagnation ensued. Willard Price estimated that the per capita annual income of the Micronesian in 1964 was only one-fifth of what it was during the heyday of Japanese rule.[23]

As the only American writer who had visited and studied Micronesia under both the Japanese and American administrations, Price was constantly asked during his 1964 visit to the islands, "Is it better now, or worse?" Although he felt that the only answer was the equivocal "better and worse" [24] and devoted two chapters to explaining it, Price concluded: "But, when everything favorable that can be said has been said, the fact remains that the Trust is progressing backward." [25]

He recommended: "Nothing would do the Trust more good than some bad publicity. Only by a thorough dose of the bitter truth can a generous but uniformed public be alerted of its responsibility for the Forgotten Sisters of the richest nation on earth." [26]

Bikini, Eniwetok, and Kwajalein. Under the Trusteeship Agreement the United States has the right (article 13) to close portions of the territory for security reasons and the right (article 5) to direct their military use. Until 1962 severe restrictions on entry into Micronesia, including entry by U.S. citizens, were maintained and enforced. Security clearance by the Chief of Naval Operations was required before the High Commissioner would consider issuing an entry permit. With almost no exceptions, the only entrants into Micronesia, other than Armed Forces personnel, were the American employees of the trust territory government.[27]

The policy of frugality and nondisturbance of the natives, however, was waived in matters pertaining to the strategic use of the islands. On Saipan the CIA built a $28 million facility which was used until 1962 as a training center for the Chinese Nationalist return to the mainland. The trust territory government, which had its seat in Honolulu and Guam, inherited the CIA facility and thus found a home in the territory it was to administer.[28]

In 1946 the 166 inhabitants of Bikini Atoll were removed to Kili, a tiny single island without lagoon in the far south of the Marshalls. For atoll people, it was an environmental wrench. At Bikini they had 36 islands with a total area of 2.32 square miles and, what was equally important, a lagoon of 229.4 square miles. Kili is a single island in the middle of the ocean, lagoonles sand .36 of a square mile.[29]

In 1947 the 146 inhabitants of Eniwetok were evacuated to Ujelang Atoll where the conditions of existence are "not satisfactory" in the words of the 1970 United Nations Visiting Mission.[30] The 166 Bikinians were paid $25,000 in cash and a $300,000 trust fund, while the 146 natives of Eniwetok, whose islands were smaller, received the same lump sum and a $150,000 trust fund.

In 1954 a hydrogen bomb test in Bikini resulted in radioactive fallout on Rongelap, nearly 100 miles away. Ten years passed before the U.S. Congress appropriated $10,494 for compensation of each of the 86 Rongelapese, 13 of whom were already dead, although there was no reason to believe that they had not died from natural causes.[31] Many Marshallese were enraged by the Rongelap incident, particularly since a similar incident in 1954 involving the 23 men of a Japanese fishing boat resulted in a prompt U.S. compensation of $100,000 for each Japanese.

In the 1960's U.S. nuclear testing was conducted on Christmas Island, an uninhabited island far removed from the Marshalls. There have been no such U.S. tests in the Pacific since signing of the limited test ban treaty in 1963.

The only major strategic activity now undertaken in the trust territory is the Army Missile Range Facility on Kwajalein which represents a billion dollar investment since 1947.[32] The use of the land was not regularized until a 99-year lease was signed in 1964 on the basis of $500 an acre for past use and $500 an acre for future use—that is, $10.10 per year per acre.[33] An additional payment of $40 per month was provided for the original 148 residents of the Mid-Corridor Islands who were relocated to Ebeve in the early 1960's as a safety precaution.[34]

These cases represent examples of inept acquisition of land, inequitable compensation, and insensitive resettlement of the population. Compensation was not even based on the income the land produced on a subsistence economy.[35] Indeed, what the Micronesians now need is compensation for life on a money economy, not a coconut economy.

In April 1970 the Mid-Corridor people took matters in their own hands, returned to the missile range islands, and staged a sit-in, bringing missile testing to a halt and thus forcing the Army to renegotiate the 1964 agreement. On 18 December 1970 the Army agreed to pay $420,000 per year to the Mid-Corridor people until they are allowed to return to their islands. In 1975 the agreement will be subject to reexamination and renegotiation.[36]

THE SHIFTING OF THE CROSS

Winds of change

The neglect and indifference of the 1950's were replaced by a renewed interest in the welfare of the Micronesians in the 1960's. This was the result of several converging developments.

In 1959 Hawaii became the 50th State of the Union, and the American public's warm reception of Hawaii was matched by official uneasiness over past deficiencies in America's Pacific and Caribbean dependencies. For the first time in history, the Pacific islanders are represented in the U.S. Congress as the Hawaiian Congressmen also serve as spokesmen for the Guamanians, Samoans, and Micronesians. It should also be noted that the plight of the people of Appalachia was also recognized at this time.

Hawaii is an area akin in outlook and cultural background to Micronesia, and the Hawaiian Congressmen began to press for greater assistance for their fellow Pacific islanders. They not only supported larger appropriations for the trust territory budget, but also introduced amendments to extend the benefits of Federal programs to Micronesians. As a result, the Micronesians became eligible for participation in a variety of Federal programs such as those relating to education, health, food assistance, and job training.[37]

Meanwhile, the achievement of statehood by Hawaii coincided with the granting of independence to British, French, and Belgian colonies. In 1960 alone the number of new African members of the United Nations leaped by 16, and the balance of voting power shifted to the Third World. Furthermore, of the 11 United Nations trusteeships, only two remain—Micronesia administered by the United States and New Guinea by Australia. Two trust territories in the Pacific were among those which became independent—Western Samoa in 1962 and Nauru in 1968.

The 15th session of the General Assembly in 1960 was noteworthy not only because of the appearance of Nikita Khrushchev, but also because of the adoption of two resolutions. Resolution 1541 (XV) was an affirmation that the United Nations would be satisfied with decolonization including independence, free association, or integration with an independent state; but also served as a justification for censuring Portugal for not transmitting information under article 73(e) of the United Nations Charter.[38]

The Fifteenth General Assembly, however, should be known for its Anti-Colonialist Charter–Resolution 1514 (XV), adopted 14 December 1960, the "Declaration on the Granting of Independence to Colonial Countries and Peoples." [39] It solemnly proclaims the necessity for a speedy end to colonialism and declares that all peoples have the right to self-determination. Almost every development at the United Nations since that time in the field of decolonization has been in terms of this declaration and the Special Committee of 24 established thereunder.[40] This is the Committee of 24 from which the United States and the United Kingdom withdrew in early 1971.

The United States, already uneasy over the possible consequences of neglect in Micronesia, was aware of the possible implications of Resolution 1514 (XV) and the Committee of 24. The real impetus from the United Nations, however, came from the Trusteeship Council which is composed of equal numbers of administering and nonadministering members, including such other permanent members of the Security Council.[41] Since there are now only two administering authorities, the United States and Australia, there are no other nonadministering members to be elected because of the inclusion of the Republic of China, France, the Soviet Union, and the United Kingdom.

Members of the U.N. Visiting Missions are drawn from the membership of the Trusteeship Council, and no mission has ever included a Soviet representative. The inspections and findings of the various missions have always been undertaken in a critical but constructive spirit, reflecting its makeup, and the United States was thus unusually receptive to their recommendations.

Until 1961, Visiting Missions appointed by the Trusteeship Council dallied but briefly in Micronesia. The decolonization of Africa and Western Samoa's imminent independence, however, prompted the 1961 mission to conduct a proper survey. Its report was not hypercritical, but pointed to so many deficiencies that the new Kennedy administration was stimulated into unaccustomed activity.[42]

An energetic Alaskan, M. Wilfred Goding, was appointed High Commissioner in 1961. One of his first accomplishments was to persuade the U.S. Congress to more than double the budget from $7.5 million to $17.5 million. Goding made 38 trips to Washington in 4 years, mostly in order to raise funds. A new Micronesian quip was coined, "In Goding we trust," to be added to the early nickname, "Rust Territory." [43]

The budget continued to rise until it reached $60 million in fiscal 1971. A survey of the territory's resources by Robert R. Nathan Associates, Inc., provided a long-range plan for economic development. The administration did not accept all the recom-

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mendations, particularly that on alienation of land (i.e., sale of land to nonnatives), but proceeded on the road to tourism by modernizing air transport and building tourist hotels.

Major emphasis was placed on education, especially the teaching of English as a second language (the TESL Program) and thus the *lingua franca* for the nine major linguistic groups, and public high schools were opened in each of the districts. A crash program began the improvement of health services and was spurred on further by a critical World Health Organization (WHO) investigation in 1965, which highlighted the prevalence of tuberculosis and the poverty of general sanitation.[44]

The Peace Corps was invited in 1966 and reached its peak in 1968 with 665 volunteers. The dispersal of so many Americans could not but significantly influence the attitudes and aspirations of the Micronesians. Their overwhelming presence became a matter of controversy among Americans and Micronesians alike. The number of volunteers was reduced to 338 in 1971.[45] Most Micronesians, however, were impressed by the young Americans who were willing to live among them in their villages and also to intercede on their behalf with the administration, in the latter respect, the Peace Corps volunteer lawyers rendered invaluable service for the Micronesians, but their efforts were often considered "meddling" in local politics by administrators. On balance, however, the volunteers gave the Micronesians a look at a type of American different from the occasional Government employee.

The accomplishments

By 1962 the United States had concluded that it was to the advantage of American security to recast the old policy of frugality for one of generosity. The decision was made to bring the Micronesians into the orbit of the 20th century as quickly as possible by accelerating the planned educational, social, economic, and political development of the islands. The last was to be undertaken with a view toward shaping future relationships between Micronesia and the United States.[46]

What have been the accomplishments of the new deal for Micronesia during the past decade? A useful reference for taking stock is the report of the 1970 U.N. Visiting Mission which consisted of Mr. Kenneth Rogers of Australia as Chairman, Mr. Men-Hsien Wang of China, Mr. Alain Deschamps of France, and Mr. David Lane of the United Kingdom.

In education the U.N. Mission recognized the formidable task of providing educational services for the widely scattered islands. Progress noted by the 1967 Visiting Mission has been continued, and very significant advancement has been made in some sectors in education. The mission recommended greater priority to vocational and technical education and more attention to curricula of more relevance to Micronesian society and economy.[47]

The deplorable state of health during the first 15 years has now been remedied, and both the administration and the Congress of Micronesia are optimistic that the Comprehensive Health Plan will meet the goal of bringing the health services up to, if not surpassing, the minimum standards of a U.S. community. Micronesians have taken over most positions in the medical and health services and account for 96 percent of the 900 persons employed.[48] The major problem in social advancement is juvenile delinquency.[49]

In the economic development, the following is the conclusion of the 1970 Visiting Mission:

"The Visiting Mission did not see signs of significant progress in the economy of the Territory as a whole. In particular, the basic infrastructure is still in a lamentable state, agriculture is stagnant and seems to be threatened by the movement of population to the towns, the adverse trade balance is increasing and, apparently, some pressure is beginning to be felt on prices." [50]

The mission did notice some encouraging developments in tourism and air transport and the readiness of the administration to consider reforms and to continue financial assistance.

The Visiting Mission also discussed a number of unresolved issues, particularly those relating to land and war claims. Indeed, the mission found that Palau representatives gave priority to the restoration of public lands to Palauan control and the payment of war damage claims over discussions of the future political status of the trust territory.[51] The Micronesians are also suspicious of the land registration program, a 5-year program costing $5 million, which many now believe might take over 15 years for completion.[52]

One generation after the end of World War II, the damages suffered by an innocent people remain uncompensated. It was not until 1969 that the United States was able to obtain agreement from Japan for a settlement of the war claims. The agreement treats all Japanese claims in Micronesia as fully and finally settled and commits both Governments to a joint ex gratia grant of $5 million each to the Micronesians.[53] The Micronesians have been disappointed over the long delay in the settlement of the claims and have expressed dissatisfaction over the $10 million figure as well as the fact that the Micronesians were not consulted during the negotiations. Representative Patsy T. Mink, in testimony before a House Foreign Affairs subcommittee, supported the Micronesians and asked for House approval of a fund up to $100 million to pay all claims.[54]

Another category of claims concerns the use or loss of property after the securing of the islands, thus the postsecure or postwar damage claims amounting to some $20 million. Legislation for the settlement of both categories is still pending, and the Visiting Mission hoped that it would be treated with priority "in justice to the claimants and in the interests of good government and popular confidence in government procedures." [55]

Of the four areas of development, the United States was most successful in political and constitutional development. The Micronesians themselves acknowledged this contribution:

"Whatever our particular evaluations of the American administration in Micronesia may be, we feel that one contribution has been indelible, one achievement almost unqualified: the idea of democratic, representative, constitutional government. Our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government. We endorse this system—which was brought to us by America and which we have come to know as an essentially American system." [56]

The U.N. Visiting Mission paid tribute to the fact that the inhabitants of the trust territory enjoy a degree of personal freedom and civil liberties which would be regarded as enviable in many parts of the world.[57]

The United States had succeeded in educating a leadership which is articulate and creating a political institution which has become a vehicle for political advancement.[58] The problem was the pace, degree, and direction of self-government. The U.N. Visiting Mission, in tracing the achievements of the Congress of Micronesia aud its Status Commission, recommended that greater responsibility be given to the Congress, including the possibility of cabinet government.[59]

COMING OF AGE OF THE MICRONESIANS

1968: Summer of dissent

When the United States created the Congress of Micronesia in 1965, it took the first important step toward promoting political advancement on a territory-wide basis. By that time most of the world had been decolonized and most of the trust territories had already assumed the responsibilities of self-government or independence. Thus the Micronesians are coming of age politically somewhat belatedly—after Western Samoa, the Cook Islands, and Nauru.

The question of land was the first issue for the new Congress of Micronesia. Land is Micronesia's scarcest resource and its most precious—precious not only because of its scarcity (the density of population is 140 per square mile and only 100 of the 2,000 islands are inhabited or inhabitable) but because of the role it plays in traditional cultural patterns. Only in the Marianas does land tenure resemble the Westen system in law and spirit.

The administration has acknowledged this fact and has gone to great length in protecting the inhabitants against the loss of their lands in accordance with article 6(2) of the Trusteeship Agreement. It has continued to adhere to the policy of nonalienation of land to non-Micronesians,[60] and it has excepted the application of common law to the ownership, use, inheritance, and transfer of land.[61] And nothing is more eloquent than the administration's description of land tenure in the U.S. annual reports to the United Nations, viz, "Land is identified with food. . . . That is my food." [62]

For the Micronesians the unhappy experience of land and the administration was embodied in Eminent Domain, always spoken of in capital letters. The existing law allows the administration almost unlimited power to take private land for public use, even though 60 percent of the land (90 percent in the Marianas) are "public." [63]

The Congress of Micronesia and the administration, as well, believe that this power should be limited, but neither is able to agree on how. In 1966 Senator Amata Kabua of the Marshalls, Kwajalein to be precise, introduced an eminent domain bill which the Congress passed. The High Commissioner vetoed it.

In 1967 the administration submitted its proposal. The Congress amended it extensively to reflect their 1966 version. The High Commissioner did not approve it.

In 1968, the summer of dissent,[64] the Congress did three things—it voted to override the 1967 pocket veto, it passed another bill identical to the 1967 one, and, for good measure, it passed a bill repealing the existing statutory provisions on eminent domain. The High Commissioner refused to give his approval to these measures.

In 1968 the Congress of Micronesia also passed a bill to provide that the burden of proof shall be on the trust territory government to establish the ownership of certain interests in land and to permit the validity of certain land transfers occurring between the last day of the German administration and the first day of the American administration of the trust territory to be challenged. The High Commissioner also refused to approve this legislation.[65]

The Micronesians contend that much of what is classified as public land really belongs to Micronesians from whom the Japanese administration appropriated it. Judge Joseph Fanachoor of Yap, who has served as an interpreter for the Germans, a policeman for the Japanese, and a judge for the Americans, relates how the Japanese beat up the Yapese to force them to sell their land and then returned to beat them up to force them to contribute the money to the Japanese war effort.[66] This account was corroborated by E. J. Kahn, Jr., in *A Reporter in Micronesia* which gave the following description of the

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fortunes of the Etscheit brothers who were born in Ponape of a German father and a Belgian mother:

"Both brothers were constantly bedeviled by the Japanese, who at one time or another "bought a good deal of their land at prices arbitrarily set by the purchaser. The brothers have since recovered most of their property, after long and not altogether tranquil negotiations with the Trust Territory administration." [67]

The United States has insisted that it is protecting the people against the loss of their lands under article 6(2) of the Trusteeship Agreement by prohibiting the alienation of land to non-Micronesians, and as for the public lands, it is holding these in trust for the Micronesians. At the 1970 session of the Trusteeship Council, Edward Johnston, the High Commissioner, stated the position of the administration:

"Before leaving the subject of land in Micronesia, we would again point out that the Administering Authority holds no land title on its own behalf in the Trust Territory of the Pacific Islands. Those lands which are designated "public lands" are held by the Administering Authority in trust for the people of Micronesia, and we thank the representative of France for his suggestion that we must obviously work harder to assure that the citizens of Micronesia truly understand this important point." [68]

The Micronesians do know that the land is theirs, and the message is clear—they want it back.

1969: Summer of decisions

At the first session of the Congress of Micronesia in 1965, the House of Representatives turned down a bid for organic legislation for the trust territory and did so again at its second session. Resolutions calling for closer ties or special relations with the United States were also defeated at the latter session. However, in this 1966 session the Congress of Micronesia did petition the President of the United States "to establish a commission to consult the people of Micronesia to ascertain their wishes and views, and to study and critically assess the political alternatives open to Micronesia." [69]

A year passed while the Departments of State, Defense, and the Interior deliberated upon the terms of the resolution to be introduced into the U.S. Congress providing for a status commission.[70] When the Congress of Micronesia reconvened for its third session, 10 July to 8 August 1967, it decided to establish its own status commission to study the future political alternatives and to help educate the people politically. This move coincided with the growing Micronesian determination to gain control of the land and represented a recognition that the shape of the political future would have an important influence on the shape of their future society. The Micronesians decided they had better make themselves heard. Having seized the initiative, the Congress of Micronesia has been off and running since.

The U.S. response came shortly after the Congress of Micronesia adjourned. On 21 August 1967, President Johnson sent a letter to the U.S. Congress asking for the adoption of a joint resolution setting up a Federal status commission, with the view of enabling the Micronesians "freely to express their wishes as soon as possible, and not later than June 30, 1972, on the future status of the Trust Territory." The joint resolution failed to pass in 1967, again in the election year of 1968, and yet again in 1969.[71] The proposal and the proposed plebiscite have been overtaken by events.

In the meantime, the Future Political Status Commission of the Congress of Micronesia went to work. At the end of June 1968 the Commission produced its Interim Report, a document of 125 pages, which concentrated on identifying alternative options for Micronesia, viz, independence, free association, integration with a major power, and continuation as a trust territory.

The Interim Report made a favorable impression on the Congress which extended the mandate of the Commission and appropriated the relatively large sum of $70,000. The Commission held public hearings in each of the six districts; talked to the political leaders of Nauru (whose 6,000 inhabitants on 8 square miles became independent in 1968) and the Cook Islands (which opted for free association with New Zealand in 1965); visited American Samoa, Western Samoa, Fiji, and the Trust Territory of New Guinea administered by Australia. Finally, the Commission engaged Professor James W. Davidson of the Australian National University, Canberra, as its consultant. Davidson, a New Zealander, had been one of the architects of the Cook Islands free association and Western Samoa's independence Constitution. He was also an adviser to the Nauruans during their negotiations for independence.

In July 1969 the Commission issued its final report, the tone of which is reflected in the statement that the United States has not lacked good will but rather a clearly defined objective and a sense of urgency.[72] It recommended a self-governing Micronesia in free association with the United States.[73] Its concept of free association was derived from United Nations General Assembly Resolution 1541 (XV) of 15 December 1960. It summarily dismissed association or integration with Japan as being neither advantageous nor practicable. It recommended independence only as a second alternative to be considered if self-government in free association with the United States should not be possible.[74]

While recognizing the opportunity for an American standard of living that integration with the United States would bring, the Commission rejected that option. The disadvantages were greater—other U.S. citizens would have an equal right to acquire land and conduct business in Micronesia; Micronesia would lose control of its own affairs; Micronesians would be subject to U.S. taxes; Micronesians would have fewer opportunities to hold key positions in the Government; and intensified Americanization would diminish the prospect of preserving Micronesian cultures.[75]

In arriving at its conclusions, the Commission recognized the powerful emotional component of the sentiment in the Marianas District for reintegration with Guam. It treaded carefully around "this peculiar circumstance" and went so far as to state that "it will not oppose a political union which reflects the freely-expressed desire of a majority of the residents of the district." [76] But it also noted that it was ultimately for the United States and the United Nations to resolve this question and expressed the hope that separation would not be taken until all the possibilities for partnership had been explored.

The significance of the Commission and its report lies in the fact that the Micronesians, in examining the future status, finally became aware of the implications of the strategic trusteeship; that is, under current legal authority the United States may locate military bases on any Micronesian island at any time. The Commission considered the most surprising aspect of its hearings in the six districts was the degree of anxiety at the prospect of the location of U.S. military bases. This concern expressed itself in three different ways—use of land; the social-cultural impact of numerous foreigners on vulnerable, conservative, and numerically insignificant Micronesian communities; and the risk of war and destruction.[77]

The Commission, nonetheless, stated:

"Our experience with the military has not always been encouraging. But as a self-governing state in free association with the United States, we would accept the necessity of such military needs and we would feel confident that we could enter into responsible negotiations with the military, endeavoring to meet American requirements while protecting our own interests." [78]

The Future Political Status Commission thus recognized two inescapable realities: the fact of longstanding American strategic interest in the area and the need for Micronesian self-government. Micronesia had to become fully self-governing "because the continuation of a quasi-colonial status would prove degrading to Micronesia and unworthy of America." [79]

1970: Summer of determination [80]

The Congress of Micronesia endorsed the report of the Status Commission and established a Political Status Delegation. The Micronesian Delegation was authorized to press for an early resolution of the future political status of Micronesia and to take part in preliminary discussions regarding future relations between Micronesia and the United States.

Talks were held in Washington in September 1969, on Saipan in January 1970, and again on Saipan in May 1970. The Micronesian Delegation was headed by Senator Lazarus Salii of Palau who also headed the Status Commission. The U.S. Delegation was chaired by the Honorable Harrison Loesch, Assistant Secretary of the Interior for Public Land Management.

The Micronesian Delegation submitted its report to the Congress of Micronesia on 22 July 1970, and it is on this report that the following is perforce based. The writers have not seen the report of the U.S. Delegation and presume that it is classified.

The Micronesian Delegation presented a list of 11 topics for discussion during the Washington talks which lasted about 3 weeks. These 11 topics were: [81]

1. That the people of Micronesia will draft and adopt their own constitution;

2. That the Micronesians will be assured that there will be no confiscation of their land and no military bases will be established in the islands without full consultation and consent of the Government of Micronesia and fair compensation; that land currently held, controlled or possessed by the United States under lease or other arrangements will be renegotiated;

3. That the United States, subject to certain exemptions, limitations, and conditions, will conduct Micronesia's external affairs and provide protection from outside aggression and consult with Micronesia before entering into international obligations with respect to Micronesia;

4. That Micronesia will agree not to allow any other country to enter into Micronesia for military purposes;

5. That the United States will agree to an early settlement of Micronesia's postwar damage claims;

6. That the United States will remove all barriers to the free movement of Micronesians into the United States;

7. That the United States will also agree to remove all barriers to the free movement of goods from Micronesia into the United States;

8. That the United States will seek full consultation with the Government of Micronesia in matters of shipping, civil aviation and communication;

9. That Micronesians will have access to the United States Ninth Circuit Court and the United States Supreme Court;

10. That Micronesia will continue to have access to banking facilities in the United States, to the use of United States currency and postal services; and

11. That the United States will guarantee financial aid to Micronesia.

No conclusions were reached during these

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preliminary discussions in Washington, but the Micronesian Delegation reported U.S. agreement in principle with the basic Micronesian position except for the question of the control of land. The Micronesians insisted on unqualified control of land, while the U.S. Delegation presented a formula for the acquisition of land which gave the President of the United States ultimate power to acquire land in Micronesia. There was also disagreement as to whether any association would be permanent or revocable.

The next exchange between the two delegations occurred in January 1970, during the special session of the Congress of Micronesia on Saipan. Assistant Secretary of the Interior Harrison Loesch informally presented to the Micronesians a draft bill which would have made Micronesia an unincorporated territory of the United States, like Guam and the Virgin Islands. Surprised and taken aback by this turn of events, the Micronesians could not but find this to be "almost totally objectionable." [82]

Discussions were resumed on Saipan from 4 to 8 May 1970. The Micronesian Delegation, in pursuing free association, put forth the following four principles.[83]

1. That sovereignty in Micronesia resides in the people of Micronesia and their duly constituted government;

2. That the people of Micronesia possess the right of self-determination and may therefore choose independence or self-government in free association with any nation or organization of nations;

3. That the people of Micronesia have the right to adopt their own constitution and to amend, change or revoke any constitution or governmental plan at any time; and

4. That free association should be in the form of a revocable compact, terminable unilaterally by either party.

From the Micronesian point of view, it was understood that following agreement on the principles, the United States and Micronesia would prepare a compact detailing the rights and obligations of both parties. Briefly, it meant that the United States would have control of external affairs and defense, and the Micronesians full and unqualified powers in their internal affairs.[84]

The U.S. Delegation presented a proposal for commonwealth status, thus implying rejection of or nonreceptivity to the Micronesian desire for free association. Under the proposal the Micronesians would become U.S. nationals or, on simple application to the Federal Court, U.S. citizens. The Micronesian Delegation found the U.S. proposal unacceptable on three basic issues: control of land, control of laws, and control of future status.[85]

Land. Under the terms of the U.S. proposal, the U.S. Government would have the right to retain whatever land it now holds and the right, failing negotiation, to acquire additional land under a complicated formula with ultimate resort to eminent domain. The Micronesians replied that they must insist on unqualified Micronesian control of land because of their circumstances and traditions:

"This does not mean that a Government of Micronesia would not be ready to enter into negotiations with the United States for the lease of certain areas. Moreover, in making this statement, we are fully conscious that the United States would be the more powerful partner to such negotiations. But, on the issue of legal control, we are unable to agree to any compromise. This, indeed, has been one of the primary motives for insistence upon a relation of free association." [86]

The U.S. proposal would also permit the purchase of land in Micronesia by a non-Micronesian provided he is an established resident and the transaction is approved by a majority of a special commission of local residents. The Micronesian Delegation doubted the efficacy of such safeguards within the context of the current proposal. It did not point out that the Constitution of American Samoa, ratified by the Secretary of the Interior in 1967, continues the policy of protecting Samoans against the alienation of their land and also that the U.S. Congress reintroduced nonalienation of Indian tribal land in the Indian Reorganization (Wheeler-Howard) Act of 1934.

Control of law

The U.S. proposal stipulates that the future constitution of Micronesia must provide for a republican form of government (and separation of powers), include a bill of rights, and not be contrary to the provisions of the U.S. Act establishing the commonwealth relationship or the Constitution of the United States. No law enacted by the Congress of Micronesia could be inconsistent with the Constitution of the United States, laws of the United States, or treaties entered into by the United States. The Micronesians objected to this unlimited application of the principle of federal supremacy.[87] They have already indicated that they are prepared to accept federal supremacy only in external affairs and defense.

Control of Future Status. The Micronesian Delegation found the single most objectionable feature to be the permanent and irrevocable status under the commonwealth proposal. While the Micronesians have consistently pressed for a status which is unilaterally terminable, they indicated a receptivity to safeguards against abrupt or hasty termination by either party. The report itself cited the free association relations between the United Kingdom and certain former British territories which provided that a 90-day period must elapse between the introduction and passage of legislation to terminate the relationship, and such legislation must be adopted by a two-thirds majority of the legislature. In addition, the approval of two-thirds of the electorate in a referendum is required.[88]

The Micronesian Delegation concluded that the U.S. proposal, however well-intentioned, would make Micronesians an insignificant, remote minority at the mercy of whatever changes in policy, politics, and administration occur in the United States.

The delegation next discussed independence, which it maintained was a real alternative which Micronesians have the right to choose and should consider. It believed that "any valid strategic interest in Micronesia could as readily be accommodated in terms of an honorable treaty between Micronesia and the United States, as by a clause in a Trusteeship Agreement in which Micronesians did not participate." [89]

On the other hand, the disadvantages of independence are substantial and arise principally out of economic factors. "The lack of certain natural resources, the small population, geographical dispersion, cultural diversity, communications and transportation difficulties would gravely challenge any administration and would particularly test a newly-independent government." [90] These factors which the Micronesian Delegation cited were the same ones which the U.S. Delegation called the particular circumstances that would not make independence a realistically appropriate status for some time to come.[91]

The Micronesian Delegation concluded that, despite the differences described, there was some advantage in continuing negotiations with the United States, and there was also the possibility of discussions with Members of the U.S. Congress who must eventually endorse any change in Micronesia's political status.[92] These differences, however, do not obscure the agreement among the Administering Authority, Micronesian representatives, and the United Nations that Micronesia must eventually be self-governing.[93]

The delegation believed that the transition to self-government must be begun now, even though the final nature of this government—free association, independence, commonwealth—has not yet been decided. It recommended that the Congress of Micronesia consider immediate measures for the introduction of an executive council or cabinet government, the power of advice and consent in the appointment of the next High Commissioner and other key officials of the administration, increasing legislative control of the budget, and the transformation of the district administrations into district governments responsible to the people. Self-government at the district level would help safeguard the interests, identities, and traditions of the individual districts.[94]

Finally, the Congress of Micronesia was asked to consider the possibility of convening a constitutional convention, a survey on the economic implications of free association and independence, expert legal assistance in Washington, and assistance from the United Nations.[95]

A look backward

In looking back, one cannot but be struck at how far the Micronesians have traveled in a very short time. There was no territorial forum from which the elected representatives of the Micronesians could speak as a whole to the Americans until the Congress of Micronesia met in 1965. Since that year they have set up a status commission to study their circumstances and their options, they have made their choices and authorized a negotiating delegation, and they have pursued their goals with consistency and persistence.

In doing so, the Micronesians have shown themselves sensitive and imaginative, and seem to indicate that they have come to realize that no nation—Spain, Germany, Great Britain, Japan, or the United States—is made up of people who are all good or all bad, all efficient or all inefficient, all honest or all dishonest. Of the Americans, the Micronesians are certain of their good will, but fault them for their lack of a clearly defined objective and a sense of urgency or priority in Micronesia.[96]

Acting on that assumption, the Micronesians have consistently seized the initiative and held the high ground with the view of forcing the United States to pay attention to them and to take them seriously. They have appealed to the conscience and sense of fair play of the Americans by acting within the tradition of American freedom and democracy. They could not do otherwise since that tradition is now part of their heritage. They have sought to have the United States act in consonance with the Trusteeship Agreement and the Wilsonian legacy. They have done this, simply and briefly, by forcing the United States to negotiate with them as if they were not only constituent but also sovereign representatives. In other words, they refused to play Indians.

Yet, as the report of the Micronesian Delegation states, the two delegations have arrived at something of an impasse concerning Micronesia's future. The report suggests some of the responsible factors.[97]

1. First and foremost, United States security interests in Micronesia seem to be the overriding consideration in the position of the United States.

2. Second, the position of the United States seems to be based upon its past experience with its territories and possessions, the United States now seeking to fit Micronesia into the commonwealth slot based upon a status similar to that of Puerto Rico.

3. Third, the two Delegations approached the May discussions in different manners. The Micronesian Delegation hoped to center discussions on the major issues and to reach agreement on general principles defining free association. The United States Delegation entered the discussions with a firm proposal,

Footnotes at end of article.

hoped to center discussions upon it, and was not authorized to deviate in substance.

4. Lastly, the Report discussed "the matter of the attitude of the United States Delegation and its apparent misunderstanding or misinterpretation of the wishes and desires of the people of Micronesia." In other words, the United States offer implies that the Micronesians want to become Americans, and the United States apparently believes that it can best determine what is the best status for Micronesia.

DILEMMA FOR THE UNITED STATES

Strategic interest

The Micronesians are convinced that the U.S. strategic interest in Micronesia is undiminished and inflexible and is the basis for the U.S. insistence on eminent domain, federal supremacy, and permanent association. In practical terms, they believe that the Department of Defense is planning to relocate existing bases in the Philippines, Okinawa, and Japan to various islands in Micronesia.

But, is it simply a matter of bases? What then is the U.S. strategic interest in Micronesia? The primary and paramount interest is—denial.

Japan was able to undertake the surprise attack on Pearl Harbor because it controlled Micronesia. From the Carolines the Japanese then advanced to the west, the south, the east, and even the north. By the end of December 1941, Guam, Wake, the Gilberts, and most of the Philippines were in Japanese hands. Before the middle of the next year the Japanese had moved down to New Guinea, the Bismarcks, and the Solomons.

Over 6,000 Americans were killed wresting Micronesia from Japanese control.[98] Today, a generation after Pearl Harbor, the temper of the American people is still such that it would hardly countenance permitting the islands to return to Japan or to go to any other nation. It should be emphasized that the American people include the citizens of the State of Hawaii and the Territory of Guam, two American territories which bracket Micronesia from the east and from the west and which were not only subjected to enemy attack but also, in the case of Guam, suffered grieviously under enemy occupation for 3 years.

On the other hand, perhaps three or four thousand Micronesians died during the fighting in World War II.[99] The number will never be known, and this was out of an estimated 50,000 Micronesians. The virtual total destruction of the economic structure has yet to be made up, while losses in personal property were massive in the combat zones. For the Micronesians, a policy of denial means the removal of Micronesia from the contention of the great powers and stability during a period of unsettled international conditions.

Denial is thus in the interest of both the United States and Micronesia. It is the only undiminished and inflexible element in the strategic importance of Micronesia.

THE POTENTIAL OF BASES

Other elements of the U.S. strategic interest in Micronesia consist of the Kwajalein Missile Range Facility and potential sites for future bases. The use of Kwajalein has now been placed on a mutually satisfactory basis through negotiations and increased compensation. See *supra*.

As for future bases, a glance at a map shows clearly that the potential sites are in the Marianas, Yap and Palau, for these islands are in the proximity of the Asian mainland and its offshore islands. Hanson W. Baldwin maintains that continued U.S. control of Micronesia is essential but points out that Guam, with its fine harbor of Apra and well-developed airfields and ammunition storage areas, is the natural focus for U.S. military facilities in Micronesia. Because of overcrowding on Guam, he believes that ultimately Rota and Saipan will be required, and there may well be need for development of staging fields or refueling or communications facilities at Ulithi Atoll (Yap) and in the Palau group.[100]

Mr. Baldwin's scale of priorities—Guam first, then the Marianas, and later possibly Yap and Palau—coincides with the political receptivity of these islands to military facilities. Guam is U.S. territory and the Guamanians are U.S. citizens who have long been accustomed to the presence of the military. The people in the Marianas have expressed their desire to reintegrate with Guam and become U.S. citizens and also have petitioned for U.S. bases. The Yapese are apprehensive, however, while the Palauans have gone on record against military bases.

Except for Guam which is American and Kwajalein which is in being, the matter of bases is still a potential but valuable asset. There are plans, but plans are not decisions. Recently, however, such plans have acquired an immediacy because of the reversion of Okinawa and the post-Vietnam scene; and, if there should be a need for alternate sites to bases in Okinawa and/or the Philippines, Micronesia's westernmost islands would be the logical candidates. In this eventuality it appears highly unlikely that the U.S. Congress would authorize enormous sums, say, several billions of dollars, for the construction of an "Okinawa" in Micronesia. Indeed, even if congressional sentiment and limited budgetary resources were not real-world constraints, a good case could be made for a modest basing plan designed to support a maritime strategy (with ground forces afloat) over one which envisions forward deployment of grounds forces in permanent facilities such as those in Okinawa.

In the latter respect, the role which the United States should play in Asia under the Nixon Doctrine would have to be defined more precisely in terms of the sort of presence in the Western Pacific required to support it before the Department of Defense can determine what forces and facilities are needed. In the meantime, hardware will get better and better but more costly; new concepts (sea base and strategic mobility) utilizing new hardware will continue to be developed; officers in the Pentagon will continue to revise plans for bases in Micronesia; and students at the war colleges will add further knowledge and understanding of the 100,000 Micronesians and their 2,000 islands.

Removing the uncertainty

Most Micronesians are aware of the difference between planning and actual decisions. That, however, is exactly what agitates them—the certainty of strategic interest and the uncertainty of bases. They know that the United States is increasingly attracted to the idea of bases in Micronesia, but they do not know where, when, or how the land needed would be taken. Now and then every district is racked by rumors that this or that piece of land is about to be confiscated and used as a base.

Philip W. Quigg, managing editor of *Foreign Affairs*, has recommended that the United States make a policy statement that no land would be acquired for bases without full consultation and adequate compensation.[101] This, he believed, would improve the climate in Micronesia, pending a resolution of the status question.

Another suggestion has been to consider locating bases on uninhabitated islands, an appealing idea since only 100 of more than 2,000 islands are inhabited. Such islands are well suited as training sites for amphibious forces. Most of the uninhabited islands, however, lack sufficient land and water to support a typical base area, and the development of a port facility would be very expensive.

Nevertheless, the above ideas do not appear sufficient to quiet the anxiety or fear of the Micronesians outside of the Marianas, for they do not end the uncertainty of where the bases would be located and if eminent domain would be exercised. This frustration must be removed before there could be a satisfactory resolution of the future political status of Micronesia and its relationship with the United States.

After 25 years it might also be time for the United States to state definitely what it needs, even if it is simply an option to build. But how could the Department of Defense and the services define their land requirements in Micronesia when important decisions on force structure and future missions are yet to be taken? Would not the military simply color up the map and continue to hoard the land as the proverbial squirrel does?

Not if they have to pay for it from their current budget—in the manner airlines take out options on aircraft under development and Federal agencies obtain PL 480 counterpart funds from the Treasury by giving up dollars from their budgets. The need to negotiate a satisfactory lease and to pay hard cash for it appears to be the only practical means of obtaining a rational definition of military land requirements. The lease will provide the trust territory government with needed revenues, and, like the Kwajalein agreement, it could be subject to reexamination and renegotiation after 5 years.

There is sufficient public land available that there need be no resort to acqusition of private land. In this case, eminent domain would not be needed. In any case, the complicated formula entailing ultimate resort to eminent domain under the commonwealth proposal is so diluted that it is doubtful whether the United States would wish to go to the ultimate step in the face of adamant popular opposition. Good community relations are a necessity in Japan and elsewhere, and there is no reason to make an exception in Micronesia.

Finally, the B–29 airfields and deepwater wharves built during the war in the Marianas are waiting to be rehabilitated, and the people there have been asking for the return of the military. The Marianas are, of course, 700 miles further away from Southeast Asia than are the Palau and Yap Islands. On the other hand, the Marianas are closer to Shanghai, Peking, Tokyo, and Vladivostok.

Defining military land requirements as suggested above sight produce some unexpected results, for the desires of any consumer, including the military, generally outrun available means. The Micronesian fear of bases might simply evaporate when it comes down to a matter of hard cash, particularly as long as the market is limited to only one purchaser and if the seller seeks to drive too hard a bargain.

Legal and moral obligation

The strategic interest has generally preoccupied most Americans who have been interested in Micronesia. The United States, however, has a strong political interest in the termination of the Trusteeship Agreement and in the future development of Micronesia. Economically, of course, the islands are a liability and would continue to require large sums of money unless or until the oceanic resources are developed.

The political interest results from a legal obligation in the Trusteeship Agreement to develop the Micronesians for self-government or independence as well as from a moral obligation that derives from the traditional American championship of freedom and democracy. It would be extremely damaging to the prestige and position of the United States as the leader of the free world if it were to allow an exclusive concern with its strategic interest to preclude an honorable fulfillment of its legal and moral obligations. The consequences of such an unfortunate development, although difficult to predict

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now, cannot be lightly brushed aside, for who could have predicted the repercussions resulting from thoughtless neglect and arbitrary decisions on Bikini and Eniwetok?

The United States has dealt intelligently with dependent members of the American political family. The Philippines received its independence in 1946, and the status of commonwealth was newly created for Puerto Rico where the sentiment is now shifting toward statehood but with a rise in militancy among those favoring independence. Alaska and Hawaii became States, while Guam and the Virgin Islands received Organic Acts with the status of unincorporated territory. It should be stressed at this point that friends and allies of the United States—Australia, the United Kingdom, China, and France—have reaffirmed in the Trusteeship Council the right of the Micronesians to self-determination, including independence.[102]

There is no doubt that the United States will find a bold and imaginative resolution of the dilemma between its strategic interest and its legal and moral obligation. It will then add a new dimension to the Wilsonian legacy which has given international law the mandate and the strategic trusteeship. It can do so if it perceives clearly what its paramount strategic and political interests are in Micronesia.

BEHIND THE RHETORIC

Fragile unity

That the widely dispersed and culturally different islands of the Marshalls, Carolines, and Marianas are now a political entity is a historical happenstance—not once but four times. Spain, Germany, Japan, the League of Nations, the United States, and the United Nations—without these outside forces there would not have been an entity known as the Trust Territory of the Pacific Islands.

If outside forces were responsible for the unity of Micronesia, they were also responsible for one significant fragmentation—the artificial detachement of Guam from the rest of the Marianas. By every criterion—ethnic, cultural, geographic, and popular wish—the Marianas and Guam are one.

In a special unofficial poll in the Marianas on 9 November 1969, a total of 1,942 voted in favor of reintegration with Guam, 19 for independence, 107 for unincorporated territory of the United States, and 1,116 for free association. Of 4,954 registered voters, 3,233 voted in this poll.[103] Another indication of popular feeling consists of petitions by the Saipan Legislature for the return of U.S. military forces to Saipan.[104]

A few days prior to this poll, another unofficial poll on Guam showed 2,688 voted for reintegration with the Marianas and 3,720 against. However, only 6,408 out of about 18,000 registered voters took the trouble to vote, and this poll cannot be taken as a definitive indication of Guamanian popular wishes.[105]

In the 1970 elections for the Congress of Micronesia, the future political status of the trust territory was a real issue and the decisive factor in the Marianas. Those Congressmen who had spoken out for free association and/or independence were defeated by members of the Popular Party which seeks union with Guam. Elsewhere the status issue was not a factor, and American officials generally agree that the other Micronesians, although not as fully informed as the Chamorros of the Marianas are, support their elected representatives in the drive for a new status, i.e., free association.

When the first session of the Fourth Congress of Micronesia convened on 11 January 1971, the differences between the Chamorros who want to join the United States in one form or another and the rest of the Micronesians who want free association became more pronounced. The representatives from frozen out of the work of the Congress. Their secessionist sentiment flared up when the the Marianas found themselves increasingly Congress passed an income tax bill which the Mariana District leaders say is not equitable.

On 19 February the Marianas District Legislature unanimously adopted a resolution advising the Security Council and the Trusteeship Council of the United Nations that the Mariana Islands "will secede from the Trust Territory of the Pacific Islands by force of arms if necessary, and with or without the approval of the United Nations."

Less than 24 hours later, at about 4:30 in the morning of 20 February, the Senate and House chambers of the Congress of Micronesia were burned to the ground. The fire appeared to have been deliberately set, according to investigators on the scene. Late that afternoon the Congress met in an old club building and decided to adjourn *sine die*, but a special session will be called as soon as vital records destroyed in the fire can be reconstructed to permit a continuation of the work of the Congress. The Congress still had 9 working days remaining when the fire occurred, and only three bills had been passed.[106]

Rumors spread widely after the fire, and officials of the trust territory government sought to calm the people, denying that there was any evidence to connect the fire with opposition to the tax bill. The government, however, thought it prudent to ask Air Micronesia to bump enough passengers so that nine representatives from Ponape and Palau could leave Saipan on the first available flight the next morning.[107] Conversely, it is unlikely that any representative of the Marianas would dare to set foot in Palau or any of the other districts.

The consequences of this unfortunate incident are only dimly perceived at this is being written, but there appears to be a profound cleavage in the fragile unity.

A simmering volcano?

If the Chamorros are the disaffected element in the Trust Territory, the driving force are the Palauans. Ambitious and aggressive, the Palauans are sometimes spoken of as the Jews or the Ibos of the Pacific.

For example, the first Micronesian lawyer is a Palauan.

The Palauans adapted well under the Japanese administration which had its headquarters in Koror, the capital of Palau. The Palauans have never forgotten the benefits and the prestige they enjoyed then nor the bombings and attendant deprivations ensuing thereafter. Willard Price wrote in 1964 of the decay he enountered at every turn in Palau[108] and concluded that there was "a simmering volcano," the more dangerous because it had religious and fanatic overtones.[109]

If any individual Micronesian stands out as the leading personality in the drive for a new status, he would be Senator Lazarus Salii of Palau. As chairman of both the Status Commission and the Negotiating Delegation, Senator Salii has been responsible for much of the impetus and direction of the Micronesian movement for free association. Many Americans believe he could be Micronesia's first elected High Commissioner, while others think he harbors the ambition of being the George Washington of Micronesia. On the other hand, articulate Micronesians, who are prone to sloganeering, tend to refer to Salii as Thomas Jefferson or Patrick Henry. Unlike the stereotyped, boisterous Palauan, Salii is quiet, thoughtful, often enigmatic.[110]

In the Marshall Islands, American whalers and missionaries had a long impact on the people before the Germans and the Japanese came. The Marshallese are therefore more aware of the world around them than some of the other districts. The Marshallese appreciate keenly both the material benefits of the American presence and the potential value of their 70 square miles in their future relationship with the United States. Despite resentment over Bikini, Eniwetok, and Kwajalein, the Marshallese are widely regarded as being more pro-American than the people of any district except for the Marianas.[111]

If the Chamorros of the Marianas want to opt out, the Ponapeans appear to appreciate the advantages of a united Micronesia and the dangers of insular separatism. This may be due to their remoteness and to the diversity of the cultures in the Ponape District. Besides a Polynesian element in the south, the two main islands—Ponape and Kusai—are inhabited by two different peoples who are at odds so much that in 1968 the Congress of Micronesia endorsed their separation into two districts.[112]

Of the two remaining districts, both Truk and Yap have been less receptive to American influence and have remained relatively conservative and traditionalist. Yap, in particular, would prefer to remain a picturesque anachronism, but change is coming and expectations are rising.

The two worlds of Micronesia

Truk and Yap illustrate the disparity of development among the different islands of Micronesia, not only in terms of plumbing, but also in the matter of outlook. Indeed, there are two worlds in Micronesia.

According to the 1967 Territorial Health Census,[113] 16,600 or about 40 percent out of a labor force of 41,000 were reported to be remuneratively employed. And half of the 16,600 were listed as subsistence-copra farmers, fishermen, handicraft producers, or boatbuilders who receive a small cash income. The average copra producer, for example, earns an estimated $285 annually.

The above figures indicate that in 1967 only 20 percent of the total labor force received wages on either a regular or part-time basis. Of the 8,222 wage earners, 5,235 were employed by the trust territory government, municipal and district governments, and other governmental agencies. Of the 2,987 in the private sector, the largest group was in construction. The average annual wage was $1,306 for the government employee and $741 for the privately employed. Micronesian wages and employment have continued to rise steadily, and in 1969 the comparable figures had become $2,015 and $947. The gap between the government employee and the private worker is unfortunately widening instead of narrowing.

This is the world of the district centers where anyone who is anyone is connected with the government and where most of the residents are now dependent almost entirely on wages for the purchase of food, ready-made clothing, and other necessities. The rest of Micronesia still lives on a coconut economy, and the Administering Authority has reported: "Fully 50% of the population remains on a traditional subsistence economy, depending on homegrown food crops and fish, and producing copra and handicraft only for cash to purchase essential items. For many such families the annual income is less than $100 a year."[114]

William R. Norwood, the previous High Commissioner, has described the great contrast between living in the district center and living in the more remote communities. He was not prepared for the fact that "in certain islands of Micronesia the residents are living in substantially the same conditions as their ancestors maybe two hundred years ago, the time Captain Cook and others were exploring the Pacific . . . while others in the district centers are living as people in Hawaii were living maybe thirty years ago." In addition, he had not expected to find "the tradition of castle and clan and the stratification of the society in some of the districts."[115]

A Micronesian view of this second world was given recently by Garl Heine, Deputy Dir-

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trict Administrator for Yap, who spoke of "that mythological absurdity called "Micronesian dignity"": "Is life so cheap, and "Micronesian dignity" so important that human hunger, ignorance, poverty and poor medical care can be deleted from the agenda of the status delegation? Can true dignity be conferred if the soul is hopeless and the body destitute?" [116] Carl Heine, who is sympathetic to the quest for a new status except for independence, concluded that it would be a mistake for Micronesia to return to the mobility of its obsolete past where only a few shared honor and dignity and the multitude lived in bondage.

CONCLUSION

Since the impasse

When the Congress of Micronesia considered the report of its Status Delegation during the summer of 1970, there was growing sentiment for independence. Of the 23 speakers whose statements were published in the *Political Status Digest*,[117] eight spoke explicitly in favor of independence, while only two were for the commonwealth status and even then not in its entirety as offered.

Senator Salii, however, stated that independence, while it might be desirable in the long-range, was not a responsible choice for Micronesia now. He recommended that the Congress recognize that "the only position which will protect Micronesian interest, and at the same time salvage what is left of United States integrity in Micronesia, is self-government in free association with the United States." As for the commonwealth offer, it would make Micronesia "the newest, the smallest, the remotest non-white minority in the United States political family—as permanent and as American, shall we say, as the American Indian."

The following paragraph from Senator Salii's statement on 14 August 1970 probably sums up Micronesian feeling with all the eloquence he could muster:

"I have always thought that Micronesia belonged to Micronesians and that the Micronesians had the right to rule their home islands. I have never believed that the fact that other nations fought wars in our islands and waters and negotiated agreements, mandates, trusteeships among themselves when they finished fighting ever affected the fact that we were Micronesians and this was Micronesia. In peace and in war, this was our home. To others, it was a strategic area, a defense perimeter, a Trust Territory, but we considered this our home. And in the last few years, we have insisted that we have the right to rule our homes." [118]

The status question dominated the Third Congress of Micronesia which ended 27 August 1970. The Congress adopted the report of its Status Delegation, endorsed the four principles for free association, rejected the commonwealth offer in its present form, invited the United States to continue discussions, insisted on the primacy of its role in the status question, solicited the advice of the United Nations, and established a Joint Committee on Future Status to continue the work of the Status Commission and the Status Delegation.

Unlike the Third Congress, the Fourth Congress of Micronesia, which convened on 11 January 1971, exhibited no great sense of urgency or concern about the status question. It soon became apparent that the new Congress was proceeding to implement the recommendations in the report of the Status Delegation for the transition to self-government.

Measures introduced to further this objective include those on the election of the High Commissioner and the Deputy High Commissioner, advice and consent powers over major administrative appointments, the establishment of an executive council, and the income tax. Only the latter passed the Congress before the unfortunate fire aborted the session. There were also proposals to extend the territorial seas to 12 miles and to invite the Committee of 24 to the trust territory. On the other hand, the Micronesians indicated where their education and development were leading them by asking the administration to seek the extension of the Rural Electrification Act of 1936 to the trust territory.

At the same time, the new Joint Committee on Future Status was organized with Senator Lazarus Salii and Representative Ekpap Silk as cochairmen. The Joint Committee was authorized by the Third Congress not only to continue discussions with the United States, but also to conduct a study on the economic implications of free association and independence and a study of government with the view of ultimately holding a constitutional convention. In other words, the Joint Commission was also charged with the implementation of specific recommendations in the Status Delegation report.

The future

The past is prolog. In the 19th century the United States showed no interest in the Marshalls, and Guam would likely not have been detached from the Marianas if the Philippines had not been acquired. In 1945 the United States would not have insisted on a strategic trusteeship except to prevent Micronesia from ever becoming a staging base for another Pearl Harbor. Once the islands were denied to others, the United States lost interest.

Changed conditions in East Asia have brought about a reexamination of the current base structure in the Western Pacific and a renewed interest in Micronesia. The United States has attempted to pick up where it left off 25 years ago—hurrying up to catch up, trying to do too much too late. Much more than 25 years, however, have gone by, to wit:

There is no question but that the yearning of the world's peoples for control over their own political destinies is a fact of 20th century life which must be intelligently dealt with by the present administering powers, the dependent peoples themselves, and the international community as a whole. . . .

"The smallness, the isolation, and the lack of adequate economic resources to make them self-supporting, clearly dictate for almost all of these areas some sort of association—at least economic and defensive—with a stronger power which can provide continuing assistance to them. As political opinion in these areas matures, it should become obvious to the people that such an association, rather than complete freedom, will be most conducive to their long-term interests. It is therefore considered that given the time and the opportunity to develop their political maturity, self-determination in these small island territories will follow the lead of the Cook Islanders—a free association with the administering power which leaves the population in complete control over its internal processes but which continues the responsibility of the administering power over external affairs." [119]

This is the point which the Micronesians have sought to convey across the waves of the Pacific. An appreciation of their attitudes as a political fact is not meant as a criticism of U.S. administration. Rather, it constitutes a *sine qua non* for building a sound relationship which would encompass both the welfare of the Micronesians and the security of the United States.

The Micronesians have already rejected the commonwealth offer in its present form, and although they have flirted with the idea of independence since the impasse last year, their position remains complete internal self-government and free association with the United States. The task for both the Micronesians and the Americans is to define in concrete terms those elements in the spectrum between the commonwealth proposal and the free association concept with which both sides could live. This task challenges the imagination and statesmanship of those who have the responsibility.

Meanwhile, until the future status of the trust territory is resolved, there are some steps which the United States could take. Philip W. Quigg in his *Foreign Affairs* article, for example, makes five recommendations: [120]

1. Assure the Micronesians that the United States will not confiscate land or establish bases without full consultation and fair compensation.

2. Take the administration of the islands out of the Department of Interior and place it directly in the White House.

3. Encourage the Micronesians to tax themselves and give them genuine experience in appropriation of funds and the administration of projects.

4. Remove all barriers to the entry of Micronesian products to the United States.

5. Explore further the possibility of admitting foreign capital, especially Japanese.

To these must be added, as a matter of urgent priority, a prompt and satisfactory settlement of the damage claims arising out of a war which ended 26 years ago and a review of the land registration program and the question of public land, perhaps entailing ultimate Micronesian responsibility and participation, in a spirit befitting an administration which returned the sacred Blue Lake and its surrounding 48,000 acres to the 1,400 Taos Indians in New Mexico.[121]

Subsequent to the completion of this paper, President Nixon announced on 13 March from Key Biscayne, where he was spending the weekend following his visit to Newport, the appointment of Franklin Hayden Williams as his personal representative with the rank of ambassador to negotiate an agreement with the Micronesians. Ambassador Williams, who is president of the Asia Foundation, was reported to have been tasked to resolve the somewhat disparate views within the administration and to convince the Micronesians to accept whatever plan he works out.[122]

The United States is now entering a critical period in its relations with the Micronesians. If the Micronesians choose to continue their association with the United States, they should be allowed to do so in freedom and in dignity, for they really have no viable alternative.

FOOTNOTES

[1] Appreciation is due to Antonio B. Won Pat, Guam's Representative in Washington, who was instrumental in arranging the appointments and furnished valuable staff assistance. The writers also met with each of the Hawaiian Congressional Delegations. Among the many helpful officials in the Departments of Interior and State, Assistant Secretary of the Interior Harrison Loesch, who headed the U.S. Delegation to the status talks in 1970, was most generous with his time.

[2] U.S. Dept. of State, *22nd Annual Report, Trust Territory of the Pacific Islands* (Washington: U.S. Government Printing Office, 1969), p. 1.

[3] John W. Coulter, *The Pacific Dependencies of the United States* (New York: Macmillan, 1957), p. 162–163.

[4] *Ibid.*, p. 169.

[5] Office of the High Commissioner, Trust Territory of the Pacific Islands, *Highlights*, 1 December 1970, p. 3.

[6] Paul Carano and Pedro C. Sanchez, *A Complete History of Guam* (Rutland, Vt.: Tuttle, 1964), p. 41. A good historical account of Micronesia may be found in Harry W. Bergbauer, Jr., "A Review of the Political Status of the Trust Territory of the Pacific," *Naval War College Review*, March 1970, p. 43–51.

[7] Germany paid $4.5 million. Coulter, p. 173.

[8] Carano and Sanchez, p. 86.

[9] Ely J. Kahn, Jr., *A Reporter in Micronesia* (New York: Norton, 1965), p. 22; also, Coulter, p. 272. The hanging tree used by the Germans in Koror, Palau, still exists—complete with iron rungs to facilitate elevating victims to the desired branch.

[10] Stanley A. de Smith, *Microstates and Micronesia* (New York: New York University Press, 1970), pp. 125–127.

[11] Kahn, p. 83.

[12] Paul H. Clyde, *Japan's Pacific Mandate* (New York: Macmillan, 1935), p. 31.

[13] De Smith, note 10 on p. 129.

[14] Dorothy E. Richard, *United States Naval Administration of the Trust Territories of the Pacific Islands* (Washington: Office of Chief of Naval Operations, 1957), v. II, p. 14.

[15] *Ibid.*, pp. 58–63. Also, Ruth R. Russell and J. Muther, *A History of the United Nations Charter* (Brookings Institute, 1958), pp. 336–346, 573–587; Norman Meler, *The Congress of Micronesia* (Honolulu University of Hawaii Press, 1969), pp. 334–336.

[16] United Nations, *Yearbook of the United Nations, 1946–1947* (New York: Columbia University Press, 1947), pp. 394–400.

[17] United Nations, Office of Public Information, *Charter of the United Nations and Statute of the International Court of Justice* (New York July 1968), p. 43–44.

[18] Meller, p. 16.

[19] Edward C. O'Connor, "Micronesia—America's Frontier in the Far East," *National War College Forum*, Spring 1970, p. 73.

[20] The Trust Territory Census of 1958 included a question on literacy in English and Japanese. Of the total population, 5 years of age and over, 27.2 percent spoke Japanese and 21.1 percent could still read it. The comparable figures for English were 25.6 percent and 25.2 percent, U.S. Dept. of State, p. 178.

[21] As late as 1967, Ponapeans in Kitti asked the United Nations Visiting Mission as to whether relatives in Japan could return. This request, along with other questions, was typed for the Visiting Mission by the Reverend William McGarry. United Nations, Trusteeship Council. *Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1967* T/1658/Add. 1 (New York: 1967), p. 49, or T/1668, p. 60.

[22] See Robert Trumbull, *Paradise in Trust* (New York: Sloane, 1959), p. 168, for an account on how urbanized Palauan women had to give up rice and learn to grow taro again.

[23] Willard Price, *America's Paradise Lost* (New York: Day, 1966), p. 199.

[24] *Ibid.*, p. 184.

[25] *Ibid.*, p. 233.

[26] *Ibid.*, p. 234.

[27] Robert R. Nathan Associates, Inc., *Economic Development Plan for Micronesia* (Washington, 1966), pt. 1, p. 39.

[28] Kahn, p. 39–40.

[29] *Ibid.*, p. 76–77.

[30] United Nations, Trusteeship Council, *Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1970* T/1707, (New York: 1970), p. 42. See a passionate account by a former Peace Corpsman regarding rat bites on Ujelang in Jerry Fite, "Colonizing Paradise," *Washington Monthly*, December 1970, p. 50–58.

[31] Kahn, p. 81–82.

[32] *Ibid.*, p. 64.

[33] *Ibid.*, p. 85.

[34] *Pacific Daily News*, 2 November 1970, p. 25.

[35] William R. Norwood, former High Commissioner from 1966 to 1969, cited Eniwetok as the classic example in which pricing was inequitable in terms of the value of the land to the Micronesians. *Micronesian Reporter*, Third Quarter 1970, p. 8. Also see Trusteeship Council, *Report of 1967 UN Visiting Mission*, p. 98.

[36] *Micronesian News Service*, 23 December 1970.

[37] In February 1971 Senator Hiram L. Fong, for example, reintroduced legislation to make the trust territory eligible for benefits under the Public Works and Economic Development Act, which already covers Hawaii, Guam, and American Samoa. The chief executives of the four island areas formed a Pacific Islands Economic Development Commission in 1970 to seek Federal assistance under the act to develop skipjack tuna fisheries. The bill, reintroduced by Senator Fong, was cosponsored by Senator Daniel K. Inouye. See "Bill to Aid Economics," *Pacific Daily News*, 4 February 1971, p. 1. In the House, Representative Patsy T. Mink provides the Micronesians with unique representation for their welfare and interests in the House Committee on Interior and Insular Affairs, while Representative Spark Matsunaga supported floor action in raising the budget ceiling from $50 million to $60 million in fiscal 1971. *Congressional Record*, vol. 116, pt. 23, p. 31448.

[38] De Smith, p. 31. See Resolutions 1541 (XV) and 1542 (XV), United Nations, General Assembly, *Official Records of the General Assembly*, 15th sess., supp. no. 16, A/4684 (New York: 1961), p. 29–31.

[39] *Ibid.*, p. 66–67.

[40] See especially William O. Miller, "The United Nations and Oceania: New Dimensions in the Cold War Refrain," *Naval War College Review*, June 1969, p. 45–59.

[41] *Charter of the UN*, art. 86.

[42] De Smith, p. 136.

[43] *Ibid.*, p. 137; Kahn, p. 37–38.

[44] United Nations, Trusteeship Council, *Report of the World Health Organization on Its Investigation of the Complaints Contained in a Petition Concerning the Trust Territory of the Pacific Islands*, T/1647 (New York: 14 January 1966).

[45] United Nations, Trusteeship Council, *Provisional Verbatim Record*, T/PV.1362 (New York: 3 June 1970), p. 32.

[46] Meller, p. 18.

[47] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 103.

[48] *Ibid.*, p. 72 ff.

[49] *Ibid.*, p. 81.

[50] *Ibid.*, p. 40–41.

[51] *Ibid.*, p. 38.

[52] *Ibid.*, p. 40–41.

[53] U.S. Congress, Senate, Committee on Interior and Insular Affairs, Report 91–4278, S.J. Res. 211, 6 October 1970, p. 1–12.

[54] *Pacific Sunday News*, 28 June 1970, p. 31.

[55] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 106–107.

[56] Congress of Micronesia, *Report, the Future Political Status Commission*, 3d Cong., 2d sess. (Saipan, Mariana Islands: July 1969), p. 8.

[57] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 126.

[58] The story of the use of the Congress of Micronesia for political advancement is told authoritatively by Norman Meller in *The Congress of Micronesia, op. cit.*, who was not only recording history but also participating in it as a teacher and adviser to the Micronesians.

[59] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 115.

[60] U.S. Dept. of State, p. 56.

[61] *Ibid.*, p. 33.

[62] *Ibid.*, p. 54–56.

[63] *Ibid.*, p. 232.

[64] After Marjorie Smith's "The Summer of Dissent," *Micronesian Reporter*, Fourth Quarter 1968, p. 22–25.

[65] U.S. Dept. of State, p. 159.

[66] "Interview: Joseph Fanachoor," *Micronesian Reporter*, Second Quarter 1969, p. 2–4.

[67] Kahn, p. 162.

[68] United Nations, Trusteeship Council, *Provisional Verbatim Record*, T/PV.1368 (New York: 11 June 1970), p. 13–15.

[69] De Smith, p. 170.

[70] Meller, p. 402.

[71] De Smith, p. 170.

[72] Congress of Micronesia, *Report of Status Commission*, p. 12, 14.

[73] *Ibid.*, p. 17.

[74] *Ibid.*, p. 49.

[75] *Ibid.*, p. 48–49.

[76] *Ibid.*, p. 37.

[77] *Ibid.*, p. 26.

[78] *Ibid.*, p. 9.

[79] *Ibid.*, p. 8.

[80] After Office of the High Commissioner, "Congress Adjourns 'Summer of Determination,'" *Highlights*, 1 September 1970, p. 1.

[81] Congress of Micronesia, *Report of the Political Status Delegation of the Congress of Micronesia*, 3d Cong., 3d regular sess. (Saipan, Mariana Islands: 22 July 1970), p. 2–3.

[82] *Ibid.*, p. 4.

[83] *Ibid.*, p. 11.

[84] *Ibid.*, p. 16.

[85] *Ibid.*, p. 37.

[86] *Ibid.*, p. 39.

[87] *Ibid.*, p. 40–41.

[88] *Ibid.*, p. 12.

[89] *Ibid.*, p. 23.

[90] *Ibid.*, p. 24.

[91] *Ibid.*, p. 29.

[92] *Ibid.*, p. 56.

[93] *Ibid.*, p. 48.

[94] *Ibid.*, p. 50–52.

[95] *Ibid.*, p. 52–56.

[96] Congress of Micronesia, *Report of Status Commission*, p. 12, 14.

[97] Congress of Micronesia, *Report of Status Delegation*, p. 44–46.

[98] Meller, p. 14.

[99] De Smith, p. 127.

[100] Hanson W. Baldwin, *Strategy for Tomorrow* (New York: Harper & Row, 1970), p. 280.

[101] Philip W. Quigg, "Coming of Age in Micronesia," *Foreign Affairs*, April 1969, p. 493–508.

[102] United Nations, Security Council, *Official Records*, S/9400 (New York: 1969), p. 75–76; United Nations, Security Council, *Official Records*, S/9893 (New York: 1970), p. 78–79.

[103] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 172.

[104] *Ibid.*, p. 180.

[105] *Ibid.*, p. 139.

[106] *Micronesian News Service*, 20 February 1971.

[107] "Heavy Guard on TT's American Community," *Pacific Daily News*, 22 February 1971, p. 1, 23.

[108] Price, p. 129.

[109] *Ibid.*, p. 227.

[110] Smith, p. 26.

[111] De Smith, p. 135.

[112] *Ibid.*, p. 157.

[113] U.S. Dept. of State, p. 83–85.

[114] *Ibid.*, p. 88.

[115] Interview: William R. Norwood," *Micronesian Reporter*, Third Quarter 1969, p. 4.

[116] Carl Heine, "Micronesia Is Confused about What It Wants," *Pacific Islands Monthly*, September 1970, p. 118.

[117] Congress of Micronesia, *Political Status Digest* 3d regular sess., July-August 1970. This contains all major speeches and remarks, texts of six resolutions, and newspaper and magazine articles.

[118] *Ibid.*, p. 25.

[119] Miller, p. 56–57.

[120] Quigg, p. 504–506.

[121] Winthrop Griffith, "The Taos Indians Have a Small Generation Gap," *The New York Times Magazine*, 21 February 1971, p. 94.

[122] "President Appoints an Aide to Resolve Micronesia Impasse" *The New York Times*, 14 March 1971, p. 16:3; also William M. Blair, "Morton Says He Plans Steps to Ease Micronesia Problem," *The New York Times*, 12 March 1971, p. 48:4.

PHARMACISTS AS DRUG EDUCATORS

Mr. HUMPHREY. Mr. President, several of my colleagues have introduced bills in the Senate to deal with drug abuse and drug addiction in the military. More than 25 bills have been introduced

in the House for consideration by its Members.

However, in my opinion none of these bills goes far enough in specifying the type and design of drug abuse prevention programs the armed services should establish.

One improvement in these programs which should immediately be implemented is to better utilize the services of pharmacists who are serving in the military forces.

These professionals should be utilized in our armed services as part of the drug abuse education team.

Pharmacy schools have been active in preparing pharmacists to be drug abuse educators for several years. This effort started at the University of Minnesota when pharmacy students persuaded the student union board of governors to cosponsor a college drug abuse education program in 1967. They titled the program, "The Ice Cream Habit," a slang term for experimenting with drugs. From that successful program, Minnesota pharmacy students and students at the University of Texas and Butler University were able to advise students in 74 other colleges of pharmacy about the ingredients of successful drug education programs.

Since 1967, nearly every college of pharmacy has sponsored annual drug abuse programs on their university campuses. Many of these schools have made faculty and students available as speakers or participants in high school, junior high school, and civic club programs. In many States, the pharmacy students were the first, and are still the only, health professionals involved in drug education. And I believe this is good because college students relate to students as peers of other students.

Unfortunately, under present selective service regulations and DOD directives, civilian trained pharmacists in the military services are often not assigned to do pharmacy work. Instead, the services maintain technician schools which purport to train a "pharmacist" in 16 weeks. These 16-week "pharmacists" in many cases are assigned to relevant jobs while graduate, registered pharmacists are assigned to positions which do not utilize their training.

This waste of trained expertise should be corrected as one way to improve the military attitude about drugs and drug abuse. We should be commissioning most, if not all, pharmacists to assist in providing proper pharmaceutical services and to play an important role in drug abuse education programs.

Our servicemen deserve the best education on drugs that we know how to provide. This cannot be done without real drug experts as a part of the team.

An author of numerous drug abuse articles and a pharmacist and attorney, William J. Skinner has said—

What is needed is an officer who knows drugs, has authority to deal with the causes of drug abuse on various command levels, and who has the respect of the troops he "educates". Today's pharmacy graduate is just the man for the job. With five or six years of college education, and understanding of people through clinical work, ability to scientifically discriminate fact from fiction, the pharmacist would need only proper authority and inspiring leadership to be an effective drug abuse combatant.

I agree and I ask unanimous consent that Pharmacist Skinner's article entitled "Pharmacists as Military Drug Abuse Specialists," published in the May 1971 issue of the Tennessee Pharmacist, be printed following my remarks. I further request that a report of drug abuse programs entitled, "On the Campus," be printed in the RECORD at this point.

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

PHARMACISTS AS MILITARY DRUG ABUSE SPECIALISTS

(By William J. Skinner,* pharmacist-attorney)

Official after official from the Defense Department has testified in recent months that drug abuse is rampant in Vietnam and in other places where American troops are serving. These admissions are openly given, but that is all. There are few ideas to stop the illicit use of drugs; there are few suggestions for helping our American boys cope with and overcome the dread problems associated with drug abuse and narcotic addiction.

In April, a Senate Armed Services Subcommittee staff, under the direction of Sen. Harold Hughes (D-Iowa), long a fighter of alcoholism and drug abuse, reported to the nation in the *Congressional Record*,[1] a study of the drug problem in the military.

How is drug abuse being handled? The Senate staff found that the law enforcement approach is used. "This effort is aimed at reducing the supply of illicit drugs, at eliminating drug pushers and users where detected, and at providing a negative incentive for the use of drugs. Second priority is given to treatment and rehabilitation of those using drugs. The lowest priority is given to activities which would lead to reduced demand for drugs." Unfortunately, the staff also found "one of the major thrusts of military drug education is to stress the legal consequences of marihuana use."

Military enforcement agencies were found overburdened, hampered by lack of laboratories to verify drug identification, and in short, multiplying disrespect for law. At the same time, "there has been an increased caseload upon all military doctors." About 1500 physicians were drafted in March 1971 to lighten this load and provide health care to servicemen and their dependents.

Heavy demands are made on military physicians, particularly psychiatrists, to establish, promote, and participate in drug abuse education programs. "These functions place a burden upon doctors who are already overburdened because of a reportedly inordinate reduction of medical personnel in relation to the reduction of other U.S. military personnel. This is a serious problem because military doctors are faced with an increase in drug abuse for which there are few, if any, proven methods of treatment available."

Pharmacists have known for some time that prevention of drug abuse is the only way to stop it. Countless federal, state and local law enforcement authorities acknowledge this: education is the key to prevention! That education must not be legalistic or use scare tactics. Above all, it must be honest, based on scientific fact, and available when needed.

Defense officials must soon decide whether a more intensive troop education program will be effective in reducing drug abuse and whether the "Drug Abuse Suppression Teams" are an effective and useful technique.

A typical lawyer's answer is "yes—but!" Yes, more education programs are necessary and more teams should be used, but more of the same will not do any good. What is needed are more drug experts and the proper use of same in the military. Unfortunately, the military does not believe in using pharmacists as pharmacists. The military trains pharmacy technicians and provides a second class pharmaceutical service. Few pharmacists are given commissions and no pharmacists have *ever* been drafted. There are few pharmacy officers—real drug experts—in the military.

There will never be enough psychiatrists to handle drug abuse in the civilian community, let alone in the military. Nor will there be enough physicians or law enforcement personnel to handle the results of drug dependency. What there could be enough of, if the Defense officials would come to grips with the realities of drug abuse, is a real drug expert in the military. What is needed is an officer who knows drugs, has authority to deal with the causes of drug abuse on various command levels, and who has the respect of the troops he "educates." Today's pharmacy graduate is just the man for the job. With five or six years of college education, and understanding of people through clinical work, ability to scientifically discriminate fact from fiction, the pharmacist would need only proper authority and inspiring leadership to be an effective drug abuse combatant.

At the same time, the Veterans Administration should strengthen its capability to handle drug dependent servicemen. American troops should be sent home free of life-shortening diseases contacted in military service. There will be enough problems finding jobs for 250,000 young men in the next couple of years. They should not have to start out with one strike against them.

Next year, unless something is done soon, some pharmacy students will have their education stopped by the draft. This would not be so bad, but they will enter a military system which places little value on drug knowledge. Most of those finishing pharmacy school and desiring a military career will have to make other plans because they will not receive commissions for the same reasons.

The Continental Congress commissioned apothecary generals in 1777. If the Defense Department refuses to use today's pharmacist in the drug abuse fight, maybe the 92nd Congress should assert more control over the military and tell the generals how to win the war against drug abuse.

ON THE CAMPUS . . . DRUG ABUSE PROGRAM

(By Dale W. Doerr, Hugh F. Kabat, William J. Sheffield, and William J. Skinner)

Pharmacists are aware of the current publicity being devoted to drug abuse on the nation's campuses. Newspapers, magazines and other media abound with reports on drug misuse among America's college students.

Unfortunately, these reports rarely give an objective appraisal—a true picture—of the situation. The press has a tendency to magnify a provocative problem out of all proportion, and this overzealous coverage seems especially evident where drug abuse on the campus is concerned. From many press reports on the subject, the casual reader would have to conclude that glue, "pep pills," cough syrups and LSD are as much a part of the college curriculum as Western civilization or English literature, as physics or chemistry.

To a degree, the college drug abuse problem has suffered from such journalistic exaggeration. But only to a degree. Careful studies have shown that drug abuse does exist in many, if not most American colleges and universities. At this time the problem appears to be confined to relatively few stu-

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*Assistant Executive Secretary, American Association of Colleges of Pharmacy. Mr. Skinner's views are his own and do not necessarily represent those of the AACP.

[1] CONGRESSIONAL RECORD, April 20, 1971, at page 10872.

dents in any one institution, but if sensational press reports continue to be the only communication to college students on the subject, the problem will not be confined much longer. Experience has shown that drug abuse is a highly contagious disease and the kind of publicity the problem has been getting—publicity that often makes drug abuse help spread the contagion.

To combat the campus drug abuse problem effectively, somebody has to talk to students about it without glamorizing it—without making it sound like the "in" thing to do. Perhaps what is needed is a balanced drug abuse education program for college students which explains in an objective manner the benefits of legitimate, medical drug use and the dangers of illegitimate, abusive drug use. This paper describes a unique method of providing such education—a promising new program in which pharmacy students play the key role.

About a year ago, in Dallas, Texas during the APhA annual meeting, we discussed the drug abuse problem on the nation's campuses. Our discussion led to these conclusions—

Students on college campuses must receive a more balanced presentation of the use and abuse of drugs than they now receive.

Students just won't be preached to—they won't respond to being told only that drug abuse is harmful and against the law (they already know that).

Students respond to a balanced presentation of the facts, without overtones of authority, and then make up their own minds.

Students will listen more readily to other students than to faculty members on a topic of this nature; therefore, whatever educational program is developed would be more effective and generate more student enthusiasm if it were organized and conducted by students themselves.

Since the students responsible for any drug abuse education program must be well versed in the use and abuse of drugs themselves, pharmacy students would appear to be the ideal group for the task. If they want to enlist the aid of other student groups, this step would be fine. But pharmacy students alone should be responsible since drugs are the tools of their chosen profession.

Subsequent to the Dallas meeting, we agreed to set up pilot programs on our respective campuses to test the new drug abuse education idea. The proposed programs were explained to the pharmacy school deans and their permission to proceed was obtained. After we found student organizations which were active, imaginative and self-starting, to sponsor the test programs, we helped the students organize and develop their particular programs. To help with the planning Smith Kline and French Laboratories of Philadelphia prepared a special *College Drug Abuse Manual.* The manual, an 8½- by 11-inch binder, contained several valuable suggestions and ideas. Following the guidelines set forth in the manual and the advice of the faculty, we put the programs in effect. Implementation of the new drug abuse education idea varied slightly on each campus.

MINNESOTA—THE ICE CREAM HABIT

The drug abuse program at the University of Minnesota was developed after discussions with the student activities bureau, dean of students, student union director and dean of the college of pharmacy. The consensus was that the project must include student participation from the beginning. Consequently, the APhA student chapter was given the responsibility for planning, publicity and programming. The Union Board of of Governors (UBOG), a student executive group, agreed to co-sponsor the program and to devote $150 to publicity. Kappa Epsilon, Phi Delta Chi and Kappa Psi each devoted manpower for the project as part of their professional activities.

The sponsors agreed upon a two-day afternoon conference. The time of day was an important factor since 75 to 80 percent of the students are commuters who leave the campus after their last class. October 25 and 26 were selected since these days followed homecoming by 10 days and preceded mid-quarter exams by about a week. The UBOG, which sponsors regular noon-hour programs in the ballroom, permitted us of that facility for the program.

Plans called for a film to be shown during the noon hour of the first day, with the main presentations, a series of tasks followed by a panel discussion, to be given the following day. The idea behind a film-only program the first day was that it would serve as a publicity device for building an audience for the next day's major presentations.

Since student advisors felt that a catchy title for the program was necessary, the planners came up with "The Ice Cream Habit," a drug-abuse term, meaning a small, irregular habit. During the summer, members of the university staff made arrangements for speakers, most of whom were drawn from the school of medicine.

In publicizing the program, 30 two-by three-foot tagboard signs were placed in major campus buildings, residence halls and eating establishments. An exhibit was set up in a large display window at the Minnesota Union. One hundred and fifty 8½- by 11-inch notices were placed on campus bulletin boards, each housing unit counselor read an announcement at the unit's regular meeting, WMMR, the university residence hall station, taped an interview with the student chapter president and a press release from the university news service aided the advertising and word of mouth communication.

The film, *Narcotics, The Decision,* which had been obtained from the unversity's extension film library, was shown twice during the first day of the program, at 11:30 and 12:30. The first showing drew about 500 students, the second between 350 and 400. Though rather dated, this film was selected because it portrayed the abuse of non-narcotic drugs. A student introduced the film before each showing and explained the purposes of the two-day conference.

The main program featured seven half-hour talks followed by a one-hour panel discussion. Each speaker was introduced by a different student chapter representative. The subjects discussed were—

growing problem of drug abuse.
drug taker personality.
use and abuse of narcotics.
use and abuse of stimulants—depressants.
use and abuse of alcohol.
use and abuse of hallucinogens.
human cost of drug abuse.

The panel, moderated by a student and composed of representatives of government, medicine, police, the religious community and campus officials, discussed the subject "Drugs on Campus." Each person who attended the program was given a copy of the SK and F brochure, *The Empty Life.* More than 1,900 were distributed.

A tape recording was made of the conference with portions used on WMMR and KSTP, the NBC radio affiliate. News accounts of the proceedings appeared in the *Minneapolis Star* and the campus newspaper, the *Minnesota Daily.*

In evaluating the two-day program, the sponsors made the following recommendations—

1. For maximum impact, the entire program should be presented in one day. This conclusion was based on the drop in attendance from the first to the second day.

2. The one-day program should be no longer than two and a half hours. It was felt that the individual presentations had been too long and that the four talks on use and abuse could have been given as one presentation.

3. A follow-up program for residence units would carry the message to smaller groups in a more intimate setting.

4. The program should be presented every other year.

TEXAS—DRUG ABUSE ON CAMPUS

Lambda chapter of Phi Delta Chi, the professional pharmacy fraternity at the University of Texas, sponsored the program, a symposium during which five speakers each made 20-minute presentations. A question and answer period followed the last talk. The program ran from 7:30 p.m. to 10:30 p.m. in the student union ballroom. The audience, including pharmacy students, numbered between 350 and 400.

Four of the speakers were drawn from the university faculty; the fifth speaker was the director of the Dallas office of the Bureau of Drug Abuse Control. The faculty members were an associate professor of pharmacology, assistant professor of psychology, assistant professor of sociology and the director of the student health center, a psychiatrist. The moderator was W. J. Sheffield, associate professor of pharmacy.

Press releases were distributed personally to the student newspaper, to newspapers in Austin, Dallas, San Antonio and Houston, to the wire services and to area radio and television stations. All news media were also sent a letter describing press facilities at the program and inviting coverage. Four radio stations used their "Community Bulletin Board" to announce the program from three to five days in advance. One tv station carried some film of the program while it was still in session.

Approximately 120 cardboard signs, 14 by 22 inches, were tied on trees and posted on bulletin boards around the campus. The signs, printed on a Line-O-Scribe machine, carried the following copy—

PHI DELTA CHI Pharmacy Fraternity Presents Drug Abuse On Campus: An Objective Symposium On College Drug Abuse Today, Wed. Feb. 8—7:30 p.m., Union Ballroom.

An eight- by eight-foot painted wooden sign with similar copy was placed on the west mall, one of the most trafficked areas on campus. Faculty members, of the college of pharmacy and other schools, were encouraged to make announcements concerning the program in their classes.

The sponsors were disappointed by the small turn-out which they attributed to the overabundance of student-sponsored programs, the lack of well-known speakers and a small advertising budget ($15). They concluded, therefore, that a successful program depends on well-known speakers, a topic of vital interest and heavy advertising.

BUTLER—POP DRUGS—DRUGS FOR KICKS

Sponsored by the Phi Delta Chi fraternity at Butler University, the program, "Pop Drugs—Drugs for Kicks," consisted of group discussions in housing units climaxed by a formal symposium. The total program ran one week.

In January and February of 1967, the president of the local chapter of Phi Delta Chi, met with the Pan-Hellenic Council (governing body of the university's sororities), the interfraternity council and residence hall presidents to arrange the times and dates for group discussions on drug abuse.

Before their visits, the Phi Delta Chi men spent approximately three hours in group preparation, with special attention to the pharmacology of amphetamines and barbiturates. The 21 pharmacy students involved were either fourth- or fifth-year students with previous apprentice employment.

From February 16 to February 22, each housing unit was visited by a three-man

team from the pharmacy fraternity. These men led group discussions on drugs, their use and misuse and, at the same time, explained the purpose of the program to stimulate attendance at the symposium. Each presentation averaged a half hour, followed by a question and answer session. Some of the students brought along charts and diagrams to highlight the discussions.

The speakers—a psychiatrist, pharmacologist, research specialist and inspector for the Indiana State Board of Health—were originally contacted by Dale Doerr, co-advisor for the chapter. Prior to the meeting, the panelists met three times to exchange ideas and make preparations.

The university's public relations director handled initial contacts with the two television stations and two city newspapers. As a result the program received both newspaper and TV coverage. Local and university radio stations gave spot announcements during the week prior to the symposium. Based on the near-capacity attendance and on audience reaction, the program was judged to be a success. Much of the success was attributed to the preprogram visits which reached one-fifth of the students and helped build considerable interest in the subject of drug abuse.

SUMMARY

What was learned from these pilot programs? Several things. First, the programs represent an ideal way to counter the sensational—and often negative—publicity that the college drug abuse problem has been receiving. Second, that such programs attract the favorable attention of other communities and other campuses to the pharmacy schools involved. Third, the programs highlighted some of the practical problems (*e.g.*, in content, length, publicity and visual aids) which must be ironed out to assure maximum success in the future. Fourth, the programs demonstrated the keen interest of college students in drug use and abuse. Finally—and perhaps most important of all—the programs demonstrated that pharmacy students relish the chance to talk about drugs, the tools of their profession, in real-life situations.

So far, the new pharmacy-oriented drug abuse education program has been extremely successful. This isn't the first program designed to educate college students about drugs; but this is the first educational program designed to be organized by pharmacy students, promoted by pharmacy students and actually run by pharmacy students.

As practicing pharmacists you can do a great deal to extend this educational effort. First, you can offer your support to the campus drug abuse education programs that are getting underway. During the next few months, we will be contacting pharmacy deans across the country and asking them to approve such programs on their campuses. Several pharmacy educators have already written us to ask for assistance in developing such programs.

You can support these efforts by writing to the dean of the pharmacy school in your community to let him know that you recognize the need for more balanced drug education on our campuses; that you know about and approve the new drug education programs being developed by pharmacy students. Your encouragement and support will mean a lot to him—and to the success of the program. Nominal financial support to the student organization for publicity costs would be helpful in some instances.

There is, however, a much more important contribution you can make—you can extend the same balanced drug education message to the young people in your own community. Today, your time-honored role as a dispenser of medication is being expanded. More and more, the modern pharmacist is called upon to dispense drug information as well as medication. And rightly so. As pharmacists, you have a better opportunity than any other member of the health team to educate the public about the drugs they take. The late W. W. Charters underscored this fact when he once said—"A well-informed pharmacist is the best single individual to disseminate information about public health."

Nowhere is the need for such information more critical than it is with the nation's youth. Existing facilities for educating them about drugs leave a lot to be desired. Smith Kline & French Laboratories has been involved for the past few years in providing drug abuse education and instruction to law enforcement officers throughout the country. This work has carried them into contact with several state agencies responsible for developing the educational materials used to teach children about drugs. As a result, they have had many opportunities to see the materials teachers are using in various parts of the country to teach this subject. Much of the material they examined was outdated, incomplete, misleading, one-sided or—even worse—totally inaccurate! In many instances, educational agencies had no material on the subject.

This is why your efforts on this behalf are so vital. You have a professional duty to see that the children in your community get the right information about drugs. There are several ways to do this—speaking engagements before high school groups, grade school groups, church groups and other youth organizations; checking on the kind of drug education being offered in your community schools and, if you feel it needs improvement, working with the local parent-teacher organization to improve it. Above all, you should promote your own drug expertise to your patrons. To the average layman, especially the impressionable youngster, drugs are exotic, mysterious substances. He may read or hear that some drugs are capable of producing pleasant effects on his mind, but he doesn't know much more. Because of your professional training, you are better able to explain to him both the good and bad properties certain drugs have, thus keeping them in their proper perspective.

Today's problem of drug abuse among young people, combined with your emerging role as health educators, constitutes a clear call to action.

Mr. HUMPHREY. Mr. President, I recently asked the DOD for a report on their use of the pharmacist as a drug educator, and I ask unanimous consent that the report be inserted in the CONGRESSIONAL RECORD. The Department has been unable to identify the number of pharmacists used in drug education programs nor does it have a knowledge of how many of these potential drug abuse educators are in the military ranks as jeep drivers, typists, and infantrymen. I hope that DOD, in dealing with the drug abuse problem, will improve its program of drug education, in part through the use of pharmacists as drug experts and drug educators.

I also request permission to insert in the RECORD at this point a letter from Dean Kenneth L. Waters of the University of Georgia School of Pharmacy citing examples of the nonpharmacist military assignments of pharmacists.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 15, 1971.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: This is in response to the verbal request of Mr. Martino of your office for the number of pharmacy officers authorized and on board by Service, comments concerning the drafting of pharmacists, number of pharmacists utilized in drug abuse programs and the number of registered pharmacists not utilized in their profession in the Services.

Registered pharmacists serve as officers of the Medical Service Corps of the Army and Navy and of the Biomedical Sciences Corps of the Air Force. The authorized and on board count is as follows:

	Authorized	*On Board*
Army	163	174
Navy	96	100
Air Force	97	102
Total	356	376

In addition to the above, there are 50 registered pharmacists in the Army Medical Service Corps who for career progression purposes or personal reasons have elected to serve in other fields and retain pharmacy as a secondary military occupational code. Also, there are approximately 100 civilian registered pharmacists employed by the military medical services.

Registered pharmacists have never been drafted by profession. They have, however, been inducted in the "general draft" much the same as members of many other professions. Military procurement of pharmacists to serve as commissioned pharmacy officers has not been an appreciable problem in the past. The number of applicants for commissions have been in numbers sufficient to allow the Services to be highly selective in those accepted. In general, the pharmacy officers are secured from volunteers direct from civilian life, from the ROTC programs and from the enlisted ranks within the Services. It is generally thought that those from both the first and last mentioned groups are mostly draft motivated and that in the absence of a draft provision, volunteers from civilian and enlisted status would most likely decline significantly and perhaps necessitate special procurement programs to meet future requirements.

The drug abuse programs in the Department of Defense are progressing satisfactorily and as exprience is gained, modification and/or new innovations in handling, processing and treating of these patients will be implemented. While the number of registered pharmacists utilized in these programs is not known, it is felt that they have, as a group contributed to the programs through their responsibility for the accountability and control of narcotics, dangerous drugs, and all other medications subject to abuse.

It is regretted that we are unable to provide a response to the last question. Inasmuch as this special group are not drafted by profession, our personnel accounting system is not geared to provide the requested data.

If this office may be of further assistance, please do not hesitate to call on us.

Sincerely,

GEORGE J. HAYES,
Brigadier General, MC USA, Principal Deputy.

THE UNIVERSITY OF GEORGIA,
SCHOOL OF PHARMACY,
Athens, Ga., July 22, 1971.

Dr. WILLIAM SKINNER,
Assistant Executive Secretary, American Association of Colleges of Pharmacy, Silver Spring, Md.

DEAR BILL: Following up on my letter in which I mentioned Linder, Weldon, Walls, and Wise, here is the situation as I know it now exists:

1. John Weldon, who graduated in 1970, has orders to report to Fort Belvoir, Virginia on 12 October 1971 for the Engineer Officer Basic Course.

2. Kenneth Walls has a delay until April 1972 in the Field Artillery.

3. William W. Wise graduated in 1971 and also has a delay in Armour.

Those who were assigned this year are as follows:

James T. Chaffin, graduated in June 1971 has a year's delay in Infantry.

Charles Lott, graduated in June 1971 assigned to Infantry.

Robert F. Watterman, a graduate student has a delay in Field Artillery until June 1972.

I have also heard of one ROTC student who was assigned to the Infantry and not permitted to change to the Medical Service Corps, unless he signed up for a four-year tour of duty.

I have not been able to gather any information about those who were drafted. If I do I shall forward this information on to you. We have Frank Knapp, who graduated in 1967, is in the National Guard serving in truck maintenance and a second year student who is also in truck maintenance with the National Guard.

I contacted Cecil Clifton's offioe but he could not get together any information on those who are in the service. Neither could I get any information from the Chief Drug Inspector's Office.

Sincerely yours,

KENNETH L. WATERS, *Dean.*

REPLY TO AMA POSITION ON HEALTH CARE PROGRESS

Mr. KENNEDY. Mr. President, on July 14, opening a hearing of the Subcommittee on Administrative Practice and Procedure, I had occasion to comment on the role of the AMA in obstructing the major recommendations for health care reform over the past half century. The text of my remarks appears on page 26384 of the CONGRESSIONAL RECORD for July 21, 1971. I received no reply at that time from the AMA, but on July 19, 1971, Mr. Harry Hinton, the director of the AMA's Washington office wrote to the Democratic senatorial campaign committee pointing out the support of the AMA political arm, AMPAC, for the campaign committee, and suggesting that my statements on health care reform and on the AMA would be damaging to this support. I described that letter as a "blackmail message," and made other comments on it which appear with the text of the Hinton letter at page 26749 of the RECORD for July 22, 1971. At that time I also offered the AMA the opportunity to present its views on my charges and to explain the Hinton letter at hearings of the subcommittee scheduled for July 27 and 29.

The AMA refused to appear on either date and continues to refuse to appear for a full discussion of both its record on health reform and its efforts to alter the positions of Members of Congress through AMPAC political contributions.

Instead, however, it is today releasing a document dated July 30, purporting to be a statement before the subcommittee. Since there was no meeting of the subcommittee on that date and since we have none planned until September, I will continue to hold open the request for the AMA to appear, and I hope they will do so.

In the meantime, a few comments on today's release appear in order.

First, the statement confirms the assertions that I made on July 14, and I stand by them completely. Basically, the AMA's only defense is that it is now in favor of some of the reforms it used to oppose. Certainly it is gratifying to hear that it now supports the group practice it used to describe as "medical Soviets." And it is pleasing to know that in recent years it "has not attempted to limit the production of physicians," in contrast to its former concern about "an oversupply of doctors" and the resultant "need for professional birth control."

Second, let me say that I object very strongly to what can only be read as the calculated and arrogant distortion by which the AMA consistently attempts to read my criticisms of organized medicine as an attack on American doctors themselves. Nothing could be further from the truth. The doctors of America are among the most selfless and dedicated individuals of our Nation, and I have enormous respect for their compassion and commitment to the good health of the American people.

But the AMA does not even speak today for a majority of American physicians. There could be no more eloquent testimony to the declining respect of the AMA in the modern medical affairs of the Nation than the fact that today, for the first time in 50 years, less than half of the physicians of America are members of the AMA. Sadly, the doctors of America are far ahead of the organization that is supposed to lead them.

In closing, let me say that I also find much that is constructive in the AMA's reply. I am optimistic that we can work closely together in the future, and I look forward to the coming weeks and months of debate in Congress as the most fertile opportunity we have had in many years to improve the quality of health care for our people.

Mr. President, I ask unanimous consent that the document submitted today by the AMA, together with a cover letter from Dr. Ernest B. Howard, be printed in the RECORD.

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

STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION BEFORE THE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE OF THE SENATE JUDICIARY COMMITTEE, JULY 30, 1971

Mr. Chairman and Members of the Subcommittee: In his opening statement before the Subcommittee on July 14, its chairman, Senator Edward M. Kennedy, directed a number of criticisms at the American Medical Association and, by implication, at its component societies.

This document is in reply.

Senator Kennedy's charges date from 1913 onward. Thus, many of his allegations are old as well as inaccurate.

While this reply will cover many points that go back to the past, it seems to us that a more valid measure of the AMA's positions on health is its record in more recent years.

An affirmative legislative stance of the AMA has been maintained in the present Congress, as many members of the House and Senate—from both sides of the aisle—will readily attest.

Nonetheless Senator Kennedy's allegations, covering more than half a century of history, accuse organized medicine of unvarying obstruction to progressive legislation.

It is true that AMA disagrees with Senator Kennedy's government-run health care proposal. But we suggest constructive alternatives and seek to present them fairly and temperately.

The AMA will continue to do so. But the charges made by Senator Kennedy have been widely publicized and cannot be ignored. The AMA therefore has no alternative but that of a detailed response, which is herewith respectfully submitted.

Sincerely,

ERNEST B. HOWARD, M.D.

INTRODUCTION

Senator Kennedy begins his argument with a selection of AMA positions on health issues. He next uses this selection to "prove" an unbroken record of obstructionism, accusing the AMA of blocking progress at every turn. Finally, he reaches the conclusion that America's doctors of medicine consistently act from the basest of human motives. Their organization, he says, "puts the wealth of doctors ahead of the health of the people."

This is a grave charge indeed. Even though offered in a political context, its validity merits some sober tests. First, is the selection process employed fair? Are the facts selected in reasonable context? Second, does the weight of the total public record justify the conclusion of unrelieved obstructionism? Third, is the conclusion logically connected to the suggested motive? Or are there motives other than greed to explain AMA's actions?

In our opinion, the body of charges assembled by Senator Kennedy either lacks factual basis or is, by turn, out of date, out of context, and out of balance. And his conclusion, that doctors act primarily for gain, is outrageous.

The cogency of the argument that the AMA is obstructive can be most easily tested against the recent AMA record before Congress. An appendix is attached to this statement which lists in complete and specific detail the AMA record with the 91st Congress. On 35 occasions the AMA offered statements to this Congress. The bills or hearings are identified. The AMA witnesses are named, and the dates of their appearance specified.

In these 35 cases where the AMA offered statements, the AMA took a positive, affirmative position in favor of the proposal under discussion 31 times. In four cases, the AMA's response was partly favorable, partly unfavorable.

It requires a certain strain on the process of human logic to interpret this record as negative.

Before the present Congress, we have urged full funding for the Maternal and Child Care programs under Title V of the Social Security Act, and we have actively supported the Health Professions Educational Assistance Act which provides for construction grants and loans, assistance to medical students, with incentive provisions for service in shortage areas, and family practice training programs.

The AMA is *in favor* of government support to expand medical schools.

The AMA is *in favor* of increased financial aid to medical students.

The AMA is *in favor* of expanded nurse training programs.

The AMA is *in favor* of physician assistant programs.

The AMA is *in favor* of clean air legislation.

The AMA, finally, is *in favor* of national health insurance which, through government subsidy, would remove economic barriers between the poor and mainstream medical care and would insure everyone against "catastrophic" medical costs.

The AMA supports its own legislative proposals (Medicredit) for improved health care. It opposes Senator Kennedy's health bill, true. So do a number of people, in and out of Congress. It does not follow that because we oppose one particular piece of legislation we are opposed to all progress. Senator Ken-

nedy believes progress can be made one way. The American Medical Association happens to believe that greater progress can be made in another way. That is quite different from 'obstructionism" as charged by Senator Kennedy.

Senator Kennedy levels the additional charge that the AMA "has a virtual stranglehold on the health programs of the (Nixon) Administration." The merits of this allegation also deserve examination.

For this to be true—if a stranglehold does indeed exist—a large measure of consistency would have to exist between the positions of the AMA and the Nixon Administration on important health issues.

Is such the case? Let's take a look at two major actions in the last year.

President Nixon vetoed the extension of the Hill-Burton Act and exercised a pocket veto of the Family Practice Act. The position of the AMA in both cases was precisely the opposite.

Senator Kennedy voted to override the veto on Hill-Burton (which would place him closer than President Nixon to the AMA position). He is not recorded as voting on the Family Practice Act, and it is interesting to note that both the AMA and Senator Kennedy occupied common ground on the recent health education assistance measure.

If a stranglehold or a marriage of convenience exists between the Nixon Administration and the AMA, it is also logical to ask, "Why two differing national health care insurance proposals? Why not just one?"

As a matter of fact, why should there be any AMA national health insurance bill if, as charged, the AMA is so unresponsive to the needs of the people? Or why should 70% of its budget go for health and scientific informational activities?

A third charge is made that the AMA has throttled the efforts of various governmental commissions to bring about better health care. It must be kept in mind that commission reports go to Congress for legislative action. This process includes hearings and other informational input. The role of Congress is not designed to be that of a rubber stamp for whatever governmental commissions recommend.

One example offered is the Commission on Heart Disease, Cancer and Stroke, appointed by President Johnson in 1964.

Again, the charges should be weighed against the record.

"From the outset," said the AMA at that time, "we want to make unmistakably and unequivocally clear our agreement with the President's Commission . . . in the ostensible objective of reducing or eliminating the incidence of, and deaths from, these diseases."

Legislation, passed by a Democratic Congress under a Democratic President, did result from the Commission, and this legislation contained substantial AMA input. The final results may have disappointed some of its original sponsors. One of the principal difficulties arose from the haste with which the Commission study was translated into legislation.

Dr. Robert C. Long, then a member of the AMA Board of Trustees, said, "In effect, the Commission's findings were published a full two months before the data upon which they were supposedly based became available."

Anthony Celebrezze, then Secretary of HEW, said, "I am surprised we came in with any kind of legislation because, as I say, this report was just finalized in December of last year (1964), and we are just in February now."

Senator Kennedy himself said at the time it would be difficult to defend the bill on the floor without more information.

After the AMA testimony on the legislative proposals which grew out of the Commission on Heart Disease, Cancer and Stroke, Representative James Harvey of Michigan, a member of the House of Representatives Committee which heard all the testimony, said, "Certainly the easy way for the medical association (AMA) would have been simply to have agreed with the President's Commission and say, 'Yes, anytime you spend money on these diseases it is bound to be a good thing.'

"Certainly we in this country, and I speak for myself here as a Congressman, don't want our medical profession to be composed of yes-men. I don't think we have obtained the finest medical profession in the world because you have been yes-men, but because of the reverse; they (doctors) have always had the courage to come in and express their views and to challenge the views as they have seen them . . . I thank you."

It should be noted that in the course of the discussion over this whole matter, the AMA maintained that the best attack on heart disease, cancer and stroke was more through basic research than the addition of facilities. Through his support of the recent cancer bill, Senator Kennedy expresses at least in part agreement with the broad approach suggested by the AMA six years ago.

The remainder of this paper takes up in further detail the matter of the AMA record on health issues over the years. This record should be measured carefully against what has been recently charged. A fair-minded reading should correct many popularly accepted misconceptions. It should lay to rest some outright untruths. It should present a more balanced picture and thus reduce the emotional heat that is being injected into the national dialogue on health care.

Far more important, however, is the question raised as to motive. There is room for considerable, honest disagreement on almost every piece of health legislation. Over the years—and currently—the AMA has favored far more health proposals than it has opposed. It is automatically so sinister that the AMA agrees with some people on these complex issues and disagrees with others? Must the expression of sincere opinion or the submission of factual testimony raise a question as to motive?

That is the basic allegation. We resent it. And we respectfully enter this protest.

A. STATEMENTS BY SENATOR EDWARD M. KENNEDY AND RELEVANT AMA POLICY POSITIONS

1. The AMA opposed health benefits for veterans after World War I.

Reply: The AMA House of Delegates adopted the following resolution at its meeting in May, 1925:

"That the House of Delegates disapproves the plan of furnishing financial aid or personal service to beneficiaries able to pay . . . (and) that such subsidies be limited to those veterans whose disabilities have arisen from and in the course of military service, and in line of duty." The House also, however, at the same meeting, endorsed a statement that if non-service connected conditions were covered then treatment should be restricted "to those veterans who are unable to pay for same."

The AMA simply advocated that Veterans Administration medical care be administered as originally intended by Congress.

The philosophy that patients able to pay for treatment should pay has been consistently stated by the AMA for many years. A concomitant philosophy has been that no one should be denied quality care because of inability to pay. As an example, the AMA policy on veterans' care was revised in 1956 to add that in rendering treatment for non-service connected disability, priority should go "to those suffering from illnesses or disabilities which are economically catastrophic."

2. The AMA opposed Blue Cross and private health insurance.

Reply: As early as 1917, AMA policy was to cooperate in the development of health insurance legislation which would benefit the public. The AMA has never opposed development of voluntary sickness insurance plans in this country as they exist today. The first plans, initiated in the early 1930's, were very different from contemporary voluntary sickness insurance plans. Some features of early plans to which the AMA objected—and still objects to—were the depriving the patient of his free choice of physician and the basing of the plans on an uncertain actuarial basis.

AMA officials, by the way, warned against a similar uncertain actuarial basis in Medicare, saying that the cost estimate was too low and that the premium would have to be raised. It has since been raised several times.

One of the latest AMA actions in regard to private health insurance was a recommendation in 1970 that policies be expanded to cover out-of-hospital services, as a means of reducing the costs of care.

Critics of the AMA pursue a curious course. They attack the AMA for "opposing" private medical insurance. And they attack the AMA for advocating a national health insurance program (Medicredit) which relies heavily on private medical insurance.

3. The AMA opposed government support for medical education.

Reply: In 1949, the AMA said that since medical schools were finding it difficult to secure sufficient funds to maintain their standard of training, it might become necessary for some schools to accept aid from the federal government. The AMA made clear that it would prefer to see the support come from private philanthropies or local public funds. It also said federal aid should be accompanied by assurance of freedom from political control and regulation.

In 1968, the House of Delegates of the AMA approved a joint statement by the AMA and the Association of American Medical Colleges that indicated the need for adequate financial support from governmental and various private sources for medical schools.

Long before then, however, the AMA was active in supporting the need for more medical schools and in recruiting young people for medicine. For 12 years beginning in 1951, the AMA urged Congress to make federal grants available for medical school construction and expansion before this legislation was finally enacted.

One of the more important pieces of legislation concerning medical education has been the Health Professions Educational Assistance Act providing funds for facilities and aid to students. The AMA supported it originally in 1963 and supported its extension in 1971.

4. The AMA opposed innovations in medical school curricula.

Reply: As early as 1917, the AMA expressed interest in efforts to shorten the period of medical education. In 1923, the House of Delegates endorsed a report saying ". . . it would be most desirable that medical students should graduate and enter practice at an earlier age than at present . . . that the plan of covering the medical course in three years . . . instead of four . . . and any other adequate plan of reducing the length of the medical course are greatly to be desired . . ."

In the intervening decades, of course, drastic revisions of medical curricula aimed at shortening and modernizing the course of instruction have been effected. The AMA has been widely active in the field of medical education and quite naturally so, since it accredits medical schools and, with other organizations, hospitals.

One of the latest AMA actions, taken in 1970, was to direct that internships and residencies be combined, to streamline postgraduate training and thus get more doctors into practice more quickly. Over 25 medical schools are now experimenting with shortened curricula programs.

5. The AMA opposed efforts to achieve equal opportunity in medical education.

Reply: The AMA has forcefully pointed out, to Congress among others, the inadequate representations of black and other minority group students in medical schools. The AMA, together with the predominantly-black National Medical Association, the Association of American Medical Colleges, and the American Hospital Association, recommended major efforts to increase the number of minority group students, primarily through financial aid.

And there have been results.

Dr. C. H. William Ruhe, director of the AMA's Division of Medical Education, told Congress early in 1971:

"Medical schools had a 94% increase in first-year black students for 1969–70 compared to the 1968–69 academic year, and an additional 58% increase in 1970–71 over the 1969–70 figure."

Dr. Ruhe noted that minority students, however, still accounted for only about 2.2% of the physician population (as compared to 12% of the general population) indicating the need for continued intensive efforts to increase their enrollment.

As an example of other AMA activity, the Association has given financial support to a Chicago program aimed at taking young men and women from poverty areas and training them as physicians, in hopes of getting them back into the needy areas to provide care.

In July, 1971, the AMA began a new loan program to make medical education possible for relatively poor, and minority students. It was launched in California and it is hoped to expand the project into other states.

John M. Chenault, M.D., President of the AMA's Education and Research Foundation. said the program is being launched through the Bank of America, with cooperation of the eight California medical schools, the Guggenheim Foundation, the Sloan Foundation and National Medical Fellowships, Inc.

The program consists of grants and loans with interest on the loans paid by the foundations during the first four years of medical school. There will be no repayment of loan principal in this period. Loans will be guaranteed by AMA–ERF. About 50 students will have their education financed through the project next year.

The AMA believes most firmly in the proposition that all qualified students should have the opportunity to study medicine. In addition to its support for other programs of scholarship aid, the AMA-Education and Research Foundation has guaranteed more than $48 million in loans to more than 20,000 students, interns and residents.

6. Long after the doctor shortage was clear to every impartial expert, the AMA obstinately maintained that there was no shortage at al. and that any views to the contrary were the product of misleading propaganda emanating from Washington.

Reply: It is true that in the early 1950's the AMA House of Delegates repeatedly denied there was a shortage of physicians.

Ernest B. Howard, M.D., executive vice president of the Association, in a speech last year, said the position "reflected the research conducted by an eminent AMA economist who made an important contribution in a study of medical service areas. Unfortunately, he did not include in his calculations the increased supply necessary to accommodate the surging 60's, when new legislation, increasing affluence and rising demands would elevate markedly the number of M.D.'s required to serve the nation."

However, despite charges to the contrary, the AMA has not attempted to limit the production of physicians. Excerpted from AMA policy established in 1951 are the following statements:

". . . The AMA has no desire to limit the production of properly trained physicians to serve the American people. The policy of the Association is to assist and encourage any responsible group or institution endeavoring to create new facilities or expand existing facilities for the training of physicians.

". . . The number of medical schools approved is determined entirely by the ability of the schools to meet educational standards."

". . . The number of students in approved schools has been steadily increasing . . . The AMA has lent every aid and encouragement to sound expansion. In many states the medical societies have provided effective leadership in the establishment of new medical schools and the expansion of existing schools."

Later, in 1959, the AMA House of Delegates acted favorably on a recommendation that reflected a growing concern over the increasing evidence that superior students are being deterred from the study of medicine for financial reasons at a time when the national production of physicians should be increased.

And, in 1960, the House of Delegates received a report urging a goal of 10,000 medical graduates annually by 1975. The 1972 estimated number of graduates is 9,363. Since that would be an increase of 367 over the 1971 class a projection shows that the goal should be easily met before 1975. Even more medical schools—and their number rose from 86 in 1961 to 103 in 1971—are opening, and training periods are being shortened. The University of Miami medical school is even inaugurating a program to train highly qualified persons in other fields, such as Ph.D's, to become medical doctors in just two years.

In the school year 1961–62, 86 medical schools had an enrollment of 31,078 students. An estimated 43,143 students will be enrolled in 108 medical schools in the school year 1971–72. Some 20 additional schools are in various stages of planning.

The AMA is presently engaged on a broad front in expanding the supply of physicians and other key health personnel. The Congress has recently passed two health manpower bills (now in conference) which will provide many billions of dollars to increase the supply of physicians, nurses, dentists and other health professionals. The support, as well as the data and expertise, furnished by the AMA to the House of Representative Subcommittee considering this legislation has been acknowledged by its chairman.

In the United States in 1960, there was one physician for every 712 Americans; in 1970 there was one doctor for every 632 Americans. And the ratio continues to improve.

The AMA has long contended that maldistribution of physicians has also been and is a major problem.

In Washington, D.C., for example, there is a physician for every 30 persons; in Arkansas, one for every 1,400 persons. Additionally, many rural and ghetto areas are underserviced.

The problem of distribution is a complex one and one that does not necessarily yield to a totally governmental approach.

The AMA believes that other approaches, such as inducements to physicians to practice in certain areas, will help solve the problem. One of the latest such calls for action came from Dr. Walter C. Bornemeier, immediate past president of the AMA. He urged that consideration be given to low-cost federal loans, or Hill-Burton type grants, to encourage groups of physicians to locate in low-income areas.

AMA testimony before the House and Senate Appropriations committees for the past several years has stressed the need for financial support of medical schools and students above all other federal health expenditures.

It should also be noted that the AMA has for many years recruited actively for all the health fields. Over 100,000 copies per year of just one of its recruiting booklets—*Horizons Unlimited*—are distributed to those investigating a career in medicine. A film, *A Matter of Opportunity*, is in circulation to encourage blacks to become physicians. The AMA supplied leadership in the development of programs for physician assistants.

In summary, the AMA does indeed realize that we need more doctors, and that distribution must be more effective. It is doing something about these very real problems.

7. The AMA opposed group practice.

Reply: The steady and rapid growth of group practice in the United States in the last few decades would seem to render this charge frivolous, since doctors comprise those group practices and 82% of the doctors engaged in office-based patient care are members of the AMA. Two members of the current Board of Trustees, including the vice chairman, are in group practice. The AMA publishes a book for the profession, *Group Practice—Guidelines to Joining or Forming a Medical Group*, and has since 1962. A copy is available on request.

The AMA has maintained, and does maintain now, that a pluralistic system of medical care, utilizing solo practitioners, group practice, prepayment and other mechanisms is the best way to assure quality care for all Americans, and to give them the right of choosing the type of care they like best.

In 1969, a total of 38,834 physicians were practicing in 6,162 groups, compared with 13,009 doctors in 1,546 groups in 1959.

Official AMA policy was stated this way in 1970:

"That the American Medical Association recognize the need for multiple methods of delivering medical services, and that it encourage and participate in efforts to develop them,

"And that in the interest of attracting the most highly qualified candidates to the field of medicine, it simultaneously make every effort to maintain and create incentives in medical practice. Among these incentives are a multiplicity of practice options, maximum professional independence and freedom of choice for both physicians and patients."

The misconception over the supposed AMA opposition to group practice stems from its opposition to something else. In the 1930's the AMA questioned so-called "contract" practice, in which entrepreneurs hired willing physicians and sold their services in such a way that both the physicians and the patient were exploited. Many people have wrongly classified this as group practice. In medical terminology it is "contract" practice. Group practice, as currently conceived, is something different—and it has AMA support.

8. The AMA opposed Medicare.

Reply: The AMA position on Medicare was this: government funds should not be used to finance health care for those readily able to pay their own way; they should be used to provide better health care for those who could not. The AMA continues to believe that help should go to those who need help, but that government medical programs should not assist those who are perfectly capable of handling their own medical expenses.

The AMA also questioned the actuarial soundness of the cost estimates made for the original Medicare plan. Subsequent events have shown those doubts to have been thoroughly justified.

While the AMA did speak out against Medicare when the national debate was in progress, it cooperated fully once the public decision was made. Hundreds of AMA members and many of the AMA staff played a considerable role in developing the guidelines and regulations needed to turn the promise of Medicare into the fact.

9. The AMA opposed any real role in the organization for young doctors, interns and residents to the point where these young physicians, so full of ideas for health reform, have been driven to form their own independent organization.

Reply: All physicians, young or old, are constantly urged to make their views known

to their local medical societies. A new class of membership in the AMA has been created for interns and residents, with reduced dues. Liaison is maintained with the Student American Medical Association and AMA members have been urged to buy sustaining memberships in SAMA. Views of the medical students and interns are aired, often at great length, in the American Medical News, published by the AMA. It might be noted that SAMA, an independent organization of medical students founded some 20 years ago, has not endorsed any of the major health proposals, neither Senator Kennedy's, President Nixon's nor the AMA bill.

Colorado, Indiana and Pennsylvania have in recent years admitted medical students to full membership, and last year the Kansas Medical Society followed suit.

"We would prefer they (younger doctors) were county and state members as well as AMA members," Dr. Richard S. Wilbur, until recently deputy executive vice president of AMA, told an interviewer recently. "If the direct AMA membership provision should so stimulate the counties and states that they went out and got every intern and resident to join them without being direct members, that would be the best possible result."

10. Over the years, many local AMA groups in different parts of the country have opposed all sorts of public health programs and health reforms, even including immunization against polio with the Salk and Sabin vaccines.

Reply: The allegation that the AMA has opposed vaccination programs is an old one. And it is false.

In 1960, the vaccination program the AMA was alleged to have opposed was a program for smallpox rather than polio. That charge was false, too. In 1899, the AMA House of Delegates urged local boards of health to adopt laws requiring *compulsory vaccination* for smallpox. Two months ago the AMA wrote President Nixon to urge full funding for the current federal immunization plan.

However, in 1863 an AMA committee did say that compulsory vaccination seemed impractical that year—no doubt because the Civil War was then raging. But even then it took the position that the AMA had "a duty to institute measures looking to the vaccination, ultimately, of every person living within the limits of the country."

The criticism alleging that "many local" unnamed groups opposed polio vaccination is vague. Countless medical societies led and participated in mass polio immunization campaigns. In one five-hour campaign, the Cullman, Alabama, Medical Society gave Sabin vaccine to 41,608 persons, or 98% of the county's population.

11. The AMA opposes any meaningful efforts for effective peer review to improve the quality of medical care.

Reply: The AMA House of Delegates in June, 1970 resolved to "support continuing efforts by the American Medical Association to inform the medical profession of the value and benefit to be realized from the implementation of adequate peer review programs" and directed the Board of Trustees, the Council on Medical Service and "other appropriate sections of the AMA" to give peer review "the highest priority and emphasize its urgency to all state and component societies."

Peer review—the evaluation of medical services by physicians—is a fundamental concept of medicine. Self-regulation in various forms has been conducted for decades. The tissue committee in a hospital, which judges whether an operation was justified, as an example.

The AMA offers guidelines and acts as a clearing house to component medical societies for establishing peer review mechanisms. It publishes a *Peer Review Manual* over a hundred pages long so that local medical societies can improve procedures. More than 40 medical society foundations have been established in 20 states for the purpose of peer review. These foundations are being funded in a variety of ways. Federal funds have been awarded to foundations in San Antonio, Denver and Sacramento. Foundations in New Mexico and Florida have signed contracts with their state health departments for the peer review of Medical patients. The Georgia Medical Society is negotiating a contract with the state, and Missouri, Iowa, Pennsylvania, Virginia and Ohio are moving in this direction.

John Kenney, M.D., an official of the Sonoma Foundation for Medical Care (California), estimates that California's Medicaid program could save $5.5 million annually by utilizing existing medical society peer review mechanisms.

AMA bills for peer review have been introduced into the Congress (S 1898 and R 8684). Under the provisions of these bills peer review programs (for services provided to Medicare, Medicaid, and other health care program patients) would be carried out by state medical societies that would enter into separate agreements with the Secretary of HEW, for the establishment of statewide systems for review of the reasonableness of charges and quality of medical and other health care.

B. REPLY BY THE AMERICAN MEDICAL ASSOCIATION ON STATEMENTS RELATING TO THE COMMISSION ON HEART DISEASE, CANCER AND STROKE

At the Subcommittee hearings on July 14, Senator Kennedy charged that the proposal of the Heart Disease, Cancer and Stroke Commission suffered major weakening at the hands of the AMA during its course through Congress.

Reply: The Commission proposals included creation of 60 regional complexes for care and clinical investigation of the three diseases, creation of research institutes and diagnostic and treatment stations, increasing manpower in clinical and research medicine and expansion of existing programs. It was a sweeping document prepared by a 28-member body of laymen and physicians, appointed by President Lyndon B. Johnson in 1964.

The American Medical Association said: "From the outset, we want to make unmistakably and unequivocally clear our agreement with the President's Commission on Heart Disease, Cancer and Stroke in the ostensible objective of reducing or eliminating the incidence of, and deaths from, these diseases."

But it did have objections, primarily that the originally proposed legislation for regional medical programs was vague.

AMA officials told Congress:

"There are no definitions really of a program: no limitations on authority. No guidelines for pursuing a course of action, no meaningful limitations of expenditures except for lump sum allotments." They said they feared the legislation could "seriously hamper our well-proven existing patterns of research, education and patient care."

This concern was heightened by the haste with which the bill was being pushed through Congress. "In effect, the Commission's findings were published a full two months before the data upon which they were supposedly based became available," noted Dr. Robert C. Long of Louisville, Kentucky, then a member of the AMA Board of Trustees.

This concern was shared by others.

"I am surprised we came in with any kind of legislation because, as I say, this report was just finalized in December of last year (1964), and we are just in February now," then HEW Secretary Anthony Celebrezze told a Senate subcommittee which was asking for some information on the bill.

One Senator, Edward M. Kennedy, said it would be difficult to defend the bill on the floor without more information.

Aside from the inordinate haste, which it deplored, the AMA said the report was based on an undocumented assumption: that American physicians are unable to keep abreast of and apply new knowledge.

James Z. Appel, then president of the AMA, told the House Interstate and Foreign Commerce Committee in July, 1965:

"There is not a doctor practicing in this country today who does not have knowledge of an institution of recognized merit to which he can and does transfer patients whose condition requires treatment beyond that which he can provide."

The Commission's own Subcommittee on Research said:

"This Subcommittee and its consultants are unaware of any significant body of fundamental information which is stagnantly awaiting clinical application by competent practitioners.

"Indeed, it considers that the art of clinical investigation consists, in large measure, of a considered deliberate judgment of the utility and applicability of such fundamental information and careful avoidance of the meaningless, feckless, and indeed harmful activities which are the consequences of ill-considered attempts to apply the inapplicable."

And this concern was shared by the Commission's Subcommittee on Manpower which stated:

"In the face of rising demand for physicians in every field of service, it is futile to think of diverting physicians into heart disease, cancer and stroke programs. To do so would be catastrophic in a nation in which faulty distribution of physicians and increasing abandonment of general practice is already posing serious, if not critical, problems for the provision of medical care."

After the AMA testimony before the Interstate and Foreign Commerce Committee, Representative James Harvey of Michigan said:

"Certainly the easy way for the medical association would have been simply to have agreed with the President's Commission and say, yes, anytime you spend money on these disease it is bound to be a good thing.

"Certainly we in this country, and I speak for myself here as a Congressman, don't want our medical profession to be composed of yes-men. I don't think we have obtained the finest medical profession in the world because you have been yes-men, but because of the reverse, they (doctors) have always had the courage to come in and express their views and to challenge the views as they have seen them . . . I thank you."

In late August, and AMA committee met with the President and the new HEW Secretary, John Gardner, and asked that the bill be deferred for a short time till more data was available. Instead, the President directed HEW to work with the AMA committee "to make the bill less objectionable."

That evening and the next day, some 20 changes were drafted, accepted by the House of Representatives Committee, and promptly supported by the Democratic Administration. Ultimately, they became part of the law.

An important change put emphasis on pilot projects "whose effectiveness will be subject to review before new projects are approved."

Since then, the AMA has supported the extension of Regional Medical Program legislation (as it came to be known) and recently urged *increased* funding for the program.

C. SOME FURTHER NOTES ON THE HISTORICAL RECORD OF THE AMERICAN MEDICAL ASSOCIATION

Since the matter has been reopened by recent charges and allegations, this paper touching on some highlights of AMA actions in the past seems appropriate. History is not always relevant, but since AMA's record has been questioned it should be spelled out. It

may come as a surprise to those who would maintain the AMA has a record of unrelieved obstructionism.

In 1876, the AMA said states and cities had a duty to make a sanitary survey of water supplies to guard against contamination, possibly the first anti-pollution campaign.

In 1891, it recommended a cabinet-level medical secretary of public health; and did so again in 1970.

In 1910 came the famed AMA-initiated Flexner report which eliminated the diploma mills and paved the way for the highest standards of medical education anywhere in the world.

In 1912, the AMA adopted recommendations as to qualify standards in milk. In 1914 it commended states that had passed legislation to protect children under 16 from "the disastrous consequences of unsuitable work and bad industrial conditions" and urged that all states pass such laws.

In 1930, it sent to toy makers a resolution regarding the hazards of sharp edges and projections on children's toys. This is a major area of public interest today, 40 years later.

In 1937, the AMA sought action to bring the use of barbiturates and derivative drugs under proper governmental control and in the same year endorsed creation of a division of water pollution control in the U.S. Public Health Service.

In 1946, the AMA played a prominent role in the support of the Hospital Survey and Construction Act (Hill-Burton) which in the past 25 years has furnished $3.7 billion towards the construction of the nation's health facilities and, by its mechanism of matching grants, provided the incentive for most of the $12.6 billion now invested in the brick and mortar of our health care plant.

Even more important, 1946 saw the AMA champion the stand that ". . . the support of scientific research by the federal government presents a challenge and compelling opportunity for government to foster the public welfare by assisting in the support of scientific research (Vannevar Bush Report)." Since this time biomedical research has provided the American people with an outpouring of new medical knowledge that has increased in exponential fashion. Today there are specified treatments for health conditions where none existed a few years ago, and a number of diseases have all but disappeared with the application of new vaccines.

In 1954, the AMA recommended to car makers that they consider equipping all autos with safety belts and give increasing emphasis to safety in design of all autos.

In 1958, the AMA played a prominent role in the introduction of an amendment to the Federal Housing Authority Act that permitted qualified nursing homes to receive insured mortgages on construction loans.

In 1965, during the administration of Lyndon Johnson, Dr. Edward Annis, an AMA past president, and Dr. R. B. Robins of Arkansas, appeared before the Democratic Party platform writers to ask action by the government at all levels and by private agencies to improve health. They called for an attack by government on air and water pollution and more funds for research and treatment of mental illness, among other things.

Today, the AMA cooperates with the Office of Economic Opportunity in developing neighborhood health centers. Two years ago the AMA supported in the House a multiyear OEO appropriation for neighborhood health centers so that it could attract and recuit better staffs.

Under the leadership of a distinguished black woman physician, Dr. Effie Ellis, a special assistant to the AMA Executive Vice President, an intensive campaign to improve maternal and child health is underway. The Association is urging that every community develop and operate a centralized community-hospital based newborn intensive care unit.

The AMA is especially concerned today with drug abuse. It is cooperating fully with government and private efforts to combat the problem. Some medical societies have voluntarily suspended the prescribing of amphetamines or tightened up procedures, and the AMA has assured the Bureau of Narcotics and Dangerous Drugs that it will do everything possible to aid in implementing a proposed regulation aimed at curbing abuse of amphetamines.

AMA officials appeared before Congress in July, 1971, to support creation of the Special Action Office on drug abuse.

Yet in the light of AMA appeals for joint medicine-government efforts to reduce infant deaths and curb drug abuse, and other action, Senator Kennedy said the AMA "deserves to be ignored, rejected and forgotten."

In addition to its other activities, the AMA is sponsoring a program for national health insurance in the Congress. The plan, Medicredit, would provide financial aid, through tax credits, for Americans to buy thorough health coverage. The poor would receive health coverage free; others on a sliding scale. Everyone would be covered against "catastrophic" medical costs.

Medicredit does not seek to solve all problems at once, but it is designed to end for all Americans the burden of expense, and to make all Americans truly equal in their access to all types of medical care.

We are united with Senator Kennedy, labor and others who seek to insure good medical care for all Americans. But we do not believe in scrapping our present system for one that is new and untried. We prefer to have evidence that something will work before it is put into effect on a nationwide basis. This applies especially to massive government intervention in health. We are opposed to a health system which would deny a physician his freedom to practice as he wants to and denies a patient his freedom to choose the type of care he wants.

All about us today we can see good evidence that massive government programs can fail human needs. Governments are created to govern. They are not designed to manage. In housing, in welfare, in poverty, multibillion dollar government programs, even after decades of experience, have not only failed to resolve the basic problems, they have often in fact made them worse.

This effect has been noted by Dr. Jay W. Forrester, Professor of Management at the Massachusetts Institute of Technology as quoted in a recent article in the New York Times. "Forrester's Law" holds that "in complicated situations efforts to improve things often make them worse, sometimes much worse, on occasion calamitous."

"Forrester's Law" is no deterrent to new programs or to progress. It is a warning to be wary of massive, ill-founded panacea approaches to national problems. We have learned that lesson in welfare and poverty. Must we learn it anew with health care?

Let us set aside old, worn-out charges. Let us set aside emotional language and political opportunism. Let us, instead, seek together valid and workable solutions to the health care problems that confront us.

The AMA will support every such effort.

APPENDIX

AMA STATEMENTS ON HEALTH LEGISLATION—91ST CONG.

Bill number	Description	To—	AMA position
(1) H.R. 6797, H.R. 7059.	Hospital and medical facilities construction and modernization amendments.	House, Mar. 26, 1969, H. P. Hampton, M.D.	Supported, with recommendations.
(2)	HEW appropriations—medical education.	House, May 28, 1969, C. H. W. Ruhe, M.D.	Supported, full funding.
(3) H.R. 11223....	Medical Library Assistance Act, extension.	House, May 28, 1969, E. B. Howard, M.D.	Supported.
(4) H.R. 11102, S. 2182.	Medical facilities construction and modernization amendments.	Senate, June 12, 1969, H. P. Hampton, M.D.	Supported, with recommendations.
(5) H.R. 9312.....	Drug Abuse Education Act....	House, July 10, 1969, H. Brill, M.D.	Do.
(6) S. 1622, S. 2264.	Vaccination Assistance Act of 1969. Communicable disease control amendments of 1969.	Senate, July 3, 1969, E. B. Howard, M.D.	Do.
(7) S. 2549, H.R. 11223.	Medical Library Assistance Act.	Senate, Aug. 4, 1969, E. B. Howard, M.D.	Supported.
(8) H.R. 445.....	Cultural exchange visitors program.	House, Sept. 15, 1969, C. H. W. Ruhe, M.D.	Do.
(9) S. 2637.....	Controlled Dangerous Substances Act of 1969.		
S. 1895.....	Omnibus Narcotic and Dangerous Drugs and Addict Rehabilitation Act of 1969.	Senate, H. Brill, M.D., Sept. 18, 1969.	Supported, with recommendations.
S. 2590.....	Commission on Marihuana....	Sept. 18, 1969.....	Opposed as unnecessary.
(10) S. 2608.....	Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act.	Senate, Sept. 18, 1969, H. Brill, M.D.	Supported, with recommendations.
(11) H.R. 13373, H.R. 843, H.R. 3809, H.R. 4294.	The Occupational Safety and Health Act of 1969.	House, Oct. 1, 1969, R. L. Wells, M.D.	Supported H.R. 13373, Opposed H.R. 3809.
(12) H.R. 13432....	Migrant Health Service Act Amendments	House, Oct. 24, 1969, E. B. Howard, M.D.	Supported, with recommendations.
(13) S. 2660.....	Migrant Health Service Act....	Senate, Oct. 28, 1969, E. B. Howard, M.D.	Do.
(14) S. 3071.....	District of Columbia Comprehensive Drug Abuse and Narcotics Crime Contol Act.	Senate, Nov. 25, 1969, D. L. Farnsworth, M.D.	Supported.
(15).....	HEW appropriations for medical appropriations.	Senate, Dec. 2, 1969, C. H. W. Ruhe, M.D.	Supported, full funding.
	Student loan program.....	SAMA and AAMC and AMA.	
(16) S. 2108.....	Family Planning and Population Research Act.	Senate, Dec. 9, 1969, G. D. Dorman, M.D.	Supported.
(17) S. 2788, S. 2193.	Occupational Safety and Health Act of 1969.	Senate, Dec. 16, 1969, R. L. Wells, M.D.	Supported S. 2788; Opposed S. 2193.
(18) H.R. 11701, H.R. 13743.	Comprehensive Drug Abuse Control Act of 1969 and Controlled Depressant and Stimulant Drugs Act of 1969.	House, Feb. 17, 1970, H. Brill, M.D.	Supported, with recommendations.

APPENDIX—Continued

AMA STATEMENTS ON HEALTH LEGISLATION—91ST CONG.—Continued

Bill number	Description	To—	AMA position
(19) H.R. 12934, H.R. 15848.	Clean Air Act Extension and Clean Air Act Amendments of 1970.	House, Mar. 19, 1970, J. S. Chapman, M.D.	Supported.
(20) S. 3229, S. 3466.	Air Quality Improvement Act and Clean Air Act Amendments of 1970.	Senate, Mar. 20, 1970, J. M. Blake, M.D.	Do.
(21) S. 3562	Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970.	Senate March 23, 1970, H. Brill, M.D.	Supported with recommendations.
(22) S. 2898	Health Organization Act of 1969.	Senate April 21, 1970, E. B. Howard, M.D.	Supported.
(23) S. 3096 S. 3297 S. 3652	Labeling and indentification of drugs.	Senate April 29, 1970, J. J. Curry, M.D.	Supported with recommendations.
(24) S.3835	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.	Senate May 21, 1970, M. A. Block, M.D.	Do.
(25)	HEW Appropriations for Medical Education.	House June 3, 1970, C. H. W. Ruhe, M.D.	Supported full funding.
(26) H.R. 14284, H.R. 14486, H.R. 15895, H.R. 15960, H.R. 16147, H.R. 16425, H.R. 16798, H.R. 17570, H.R. 17670.	Regional medical programs, comprehensive health planning.	House June 4, 1970, B. W. Cannon, M.D.	Supported with recommendations.
(27)	HEW appropriations for medical education.	Senate June 18, 1970, C. H. W. Ruhe, M.D.	Supported full funding.
(28) H.R. 13100	Allied Health Professions Training Amendments.	House June 17, 1970, E. B. Howard, M.D.	Supported.
(29) S. 3418	Training in the field of family medicine.	Senate July 8, 1970, William R. Willard, M.D.	Supported with recommendations.
(30) H.R. 17463	Controlled Dangerous Substances Act.	House, July 22, 1970, H. Brill, M.D.	Do.
H.R. 13742	Controlled Narcotic Drug Act of 1969.	----------	
(31) H.R. 17269	Narcotic Addict Rehabilitation Act of 1970.	House, July 29, 1970, H. A. Raskin, M.D.	Do.
(32) S. 2108	Family Planning and Population Research Act.	House, August 10, 1970.	Supported.
(33) S. 3835	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.	House, Sept. 17, 1970, H.A. Raskin, M.D.	Do.
(34) H.R. 17550	Social Security Amendments of 1970.	Senate, Sept. 23, 1970, W.O. LaMotte, Jr., M.D	Supported in part; Opposed in part.
(35) H.R. 15793, H.R. 16360, H.R. 16400, S. 3418.	Training in the field of family practice.	House, Sept. 30, 1970, W.A. Sodeman, M.D.	Supported with recommendations.

FARM CREDIT ACT OF 1971

Mr. MONDALE. Mr. President, a few days ago, the Senate passed S. 1483, the Farm Credit Act of 1971. This legislation passed with no real opposition and little discussion on the floor of the Senate.

However, the short time devoted to consideration of this bill should not be allowed to obscure its enormous significance for our Nation's farmers.

My State of Minnesota is a major agricultural producer. The 950 farmer cooperatives in Minnesota make up over 12 percent of those in the country. Because agriculture is such a vital part of my State's economy, I was pleased to sponsor S. 1483. I have followed the progress of the hearings with interest and have given this bill my full support.

Farmers must be able to obtain adequate credit in the years ahead if they are to withstand the vicious cost-price squeeze that has overtaken our agricultural economy. Congress has a responsibility to see that farmers be able to provide and improve their output which has made America the best fed and best clothed Nation in history.

Technological improvements in agriculture require that farmers "retool" their operations in much the same way that manufacturers must modernize their plants and equipment. To do this, farmers must have access to adequate credit. Cooperatives for marketing of farm products and for furnishing supplies to farmers efficiently at the local level are needed to maintain the continuity of farm operations. The Farm Credit Act of 1971 will give the Farm Credit System the statutory mechanism to effectively provide sound credit to our Nation's farmers.

I have confidence that the farmer-controlled boards of the 20 Federal land bank associations and 18 production credit associations in my State will carry out a sound lending program for farmers under the provisions of this act and the regulations which will be prepared to carry out the legislative intent. Likewise, I am sure that the district board directors elected by the members of the associations and the borrowing cooperatives will assure sound operations of the Federal Land Bank, the Federal Intermediate Credit Bank, and the Bank for Cooperatives of Saint Paul.

The Farm Credit Act will benefit the farmers and will strengthen the lending activities of the Farm Credit Banks of my State. I am equally convinced that this legislation will benefit the entire country.

AUTOMOBILE EXHAUST INSPECTION

Mr. RIBICOFF. Mr. President, on May 5 I offered amendment No. 67 to S. 976, the Motor Vehicle Information and Cost Savings Act, a bill now before the Commerce Committee. The amendment would require a periodic air pollution emission inspection in addition to the diagnostic safety inspection required for all vehicles under the bill.

New Jersey will soon require such an air pollution inspection for all vehicles in the State, according to this morning's New York Times. Every vehicle will have to meet certain emission standards at an annual inspection.

I applaud New Jersey for becoming the first State to take this important step in controlling air pollution. The legislation I have introduced will enable the other States to follow New Jersey's lead and thereby to improve significantly the quality of the environment.

I ask unanimous consent that the article, entitled "Jersey Cars Face Test of Exhaust Emissions," be printed in the RECORD.

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

JERSEY CARS FACE TEST OF EXHAUST EMISSIONS

(By Ronald Sullivan)

TRENTON.—New Jersey environmental officials said today that they were going to start testing automobiles under the most comprehensive air pollution inspection system in the country.

At least a third of the state's 3.3-million cars are expected to fail the test.

The 33 state motor vehicle inspection stations will begin measuring the exhaust emissions on every registered car next year. Any car that fails will have a red sticker placed on the windshield and thus be banished from the state's roads unless the emission pollutants are eliminated within a two-week period. The driver of a car that is used after the grace period expires will be arrested.

Existing Federal automobile pollution responsibilities apply only to new cars and the anti-pollution devices that are now being built into them. In contrast, New Jersey's program will apply to all cars—from $50 jalopies to cars just off the showroom floor.

The over-all impact of the new inspection system is expected to cost New Jersey car owners about $20-million next year when it begins. Its political, social and ecological ramifications are expected to have a significant effect in a state that is gaining a tough antipollution reputation.

California has a program of automobile emission inspections but it is a roadside, spotcheck operation that applies only to 1966 models or newer vehicles.

The testing procedures here were developed by the State Department of Environmental Protection with the financial help of a Federal grant designed to test the effect of a full-scale auto emission inspection system.

New Jersey was selected by the Federal Government as a demonstration state because it is the most densely populated state with the highest urban concentrations in the nation and has the most densely traveled highways. Under the state-operated automobile inspection system, every registered car is passed or failed on an annual basis.

"Up to now we've mainly gone after the major polluters and the big smokestacks," remarked John Elston, the 31-year-old supervisor of the project. "But now, for the first time anywhere, we are going to place the onus on the individual car owner, and not on the factory down the street from him."

As a result, state officials anticipate an angry reaction from car owners and face expensive repair costs.

EXTENT OF REDUCTION

What it will mean for the average car owner whose car is not passed Mr. Elston said, is a $20 service station or garage repair bill for a partial motor tuneup. But he emphasized that better engine performance would offset the repair cost.

All told, the state expects to remove about 20 per cent of the 4.5 million tons of carbon monoxide gas and 32 per cent of the 750,000 tons of smog-producing hydrocarbons produced by cars during the first year of the program's operation. Because inspections are spread throughout the year, with each vehicle assigned to a certain month, the effect of the program is not expected to be felt until late in the first year.

In the second year of operation, the state estimates that about 45 per cent of the cars now on the road will fail still higher antipollution standards that will be implemented.

The major impact will be felt by car owners with low incomes who generally operate the oldest and most rundown cars in the state.

Included in Chapter 15 of the New Jersey Air Pollution Control Code, the program will be the subject of a public hearing on Monday at the Teaneck campus of Fairleigh Dickinson University.

After the hearing, Commissioner Richard J. Sullivan of the Department of Environmental Protection plans to promulgate the new inspection code under the power granted him by the Legislature in 1966. The new regulations will take effect six months after Commissioner Sullivan signs the order.

According to Mr. Elston, the inspection will be carried out in 30 seconds by a machine—about the size of a gas pump—that will check a car's exhaust as it goes through an inspection lane for other, usual tests, for such things as brakes and lights.

BASES FOR REJECTION

The department has formulated three standards. Cars built in 1967 or before will be rejected if their exhaust emission is 7.5 per cent carbon monoxide or 1,200 parts for each million parts of hydrocarbons.

Visible smoke will mean automatic failure.

For cars made in 1968 and 1969—the years when federally mandated antipollution devices were first installed by car makers—the standards will be 5 per cent carbon monoxide and 600 hydrocarbon parts for each million parts.

For 1970 models and later, the standards will be 4 per cent carbon monoxide and 400 parts for each million parts of hydrocarbon.

In 1973, the standards will be toughened.

The department says 38 per cent of the 1967 and older models and 36 per cent of the 1968 and 1969 models will fail. Eighteen per cent failure is expected for the 1970 and 1971 cars.

GOVERNMENT AND BUSINESS

Mr. BIBLE. Mr. President, few issues have generated more heat than the Lockheed financial crisis and the administrations proposals for dealing with it. An interesting aspect of the Senate debate on the subject—and one of special interest to me as chairman of the Senate Select Committee on Small Business—was the question: If the Federal Government is going to mount a program to bail big business out of its financial difficulties, what about small business? What about the real backbone of the American free enterprise system—the 5½ million small business firms that account for 40 percent of all our jobs and more than one-third of our gross national product?

My feeling throughout the "great debate" was—and still is—that the public interest would not be served by permiting the Lockheed case to degenerate into a contest between big business and small business for the favor of their Government. Nor did I feel it helpful to an understanding of the issues to be bantering about old chestnuts such as the charge that a guarantee program would be a "dangerous precedent."

Let us face it. There is plenty of precedent for Federal assistance to business. It all began at least as far back as the days of the land grants that enabled and encouraged the Nation's railroads to push westward. Agriculture, airlines, the maritime industry, and the housing industry—to mention a few—have all been the object of Federal assistance programs for many years. The Reconstruction Finance Corporation kept thousands of big, middle-sized, and small businesses afloat from the time it came into existence in 1932 until it closed its books in 1953. The Small Business Administration has provided financial support for thousands of small concerns over the years.

And our Government's assistance to business has not been limited to this side of the ocean. Following World War II numerous foreign countries, including West Germany and Japan, two of today's toughest international business competitors, received massive economic assistance from our Government.

Cutting through the mass of verbiage that attended the Lockheed proposal, the stark facts were that the Congress was confronted with a major business emergency involving the possible loss of some 60,000 jobs, more than a billion dollars in past investment, the prospect of hundreds of millions of dollars in tax losses, and because of Lockheed's deep involvement in our satellite and missile systems possibly serious detriment to essential national defense programs.

The issue was thoroughly and painstakingly considered. As evidenced by the length of the debate and the closeness of the vote in both the Senate and the House, there was a reluctance to interfere with the normal competitive forces at work in our economy, but in view of the magnitude of Lockheed's problems, and the already unacceptable level of unemployment across the country, the Congress deemed Federal action warranted in this instance.

To repeat, I do not think it serves the public interest to pit big business against small business. However, I do think the Lockheed case provides a good vehicle for making comparisons. Throughout the debate I was frequently asked about the similarities and differences between big business and small business when it comes to invoking the necessary assistance of their Government.

Probably the biggest difference is that big business speaks with a much louder voice that can be heard in more places. Others are that the national interest is heavily involved; serious unemployment would result if most of the 60,000 employees hired by Lockheed and its suppliers, some of them small businesses, were turned out on the streets.

The major similarity is that regardless whether a business is big or small when financing is unavailable—when the bank either cannot or will not help—when banks take the position that they would rather be in the no-risk Government-guaranteed loan business than in the old fashioned kind of risk-taking free enterprise type of lending operation—then the business, be it large or small, is likely to become a bankruptcy statistic. But, with its weaker voice and smaller staying power, the regrettable fact is that the small businessman can end up in the graveyard a lot sooner.

There must be hundreds if not thousands of present or former small businesses which have been denied Government loan assistance, which must have watched the congressional debate on the Lockheed loan question and wondered why the Federal Government chose not to bail them out of their financial difficulties.

Last year a total of 10,174 businesses, most of them small, failed, many of them undoubtedly because they could not get loan dollars from private financial institutions or from the Small Business Administration because of tight money, record high bank interest rates or the absence of Government loan dollars.

It seems to me that looking back a year or two, we may serve a useful purpose for the future by keeping the record straight. Two years ago, some of us interested in the Small Business Administration's direct loan program appealed to the White House to permit $170 million in loan authority to go to needy small businesses. This was not done and the loan authority expired. At that time, our letter to the President pointed out that:

> A cut in the public lending program of last resort in the order of 58.5 percent is creating a massive squeeze on our 5½ million small businessmen.

We stressed that:

> Immediate action is required if small business is not to bear a disproportionate part of the sacrifices necessary to curtail inflation.

Again, last December, I made an appeal to the President urging that the fiscal year 1972 budget be restored to the higher fiscal year 1968 level of $307 million for direct and participation small business loan funds. Instead, the administration cut the SBA loan budget further to $99 million, climaxing a reduction of more than two-thirds over the past 4 fiscal years.

If there is one lesson we hope that the White House credit and loan planners will learn from their recent push to get the Congress to save the Nation's largest defense contractor from bankruptcy, it is that the Nation's small businesses are also entitled to more meaningful Government loan assistance.

It is true that the Small Business Administration in fiscal year 1971 made 12,000 Government-guaranteed business loans nationwide for a total of $836 million. But there is a glaring difference between the ground rules applied in those cases and the new rule devised for Lockheed. If a small business had been on the verge of bankruptcy, the small business would never have received its loan.

With this Lockheed experience behind it, I hope that the Nixon administration will now see the economic desirability of

allowing the Nation's small businesses more direct SBA loan dollars than it has in the last 2½ years. Actually, the SBA direct loan program became practically nonexistent starting in January, 1969, with only 635 direct loans made in fiscal year 1969, 42 in 1970, and 35 up until May 31, 1971.

Many of us in the Senate believe that small business has been, and continues to be, the backbone of our economy. We have felt that it makes sense in attempting to revive the economy to pay attention to the needs of the small business community. In our view, stimulating small business could quicken the flow of new and improved goods and services which could expand our economy. Such products could be provided at lower costs in many instances, thereby combating inflation.

In Nevada, as elsewhere, our industry and commerce are overwhelmingly in the hands of small business.

There are only 14 companies out of a total of 6,294 in our State that employ more than 1,000 people. In comparison 4,389 of these firms had less than 10 employees; 627 had 10 to 19; and another 305 had 20 to 50; and 87 firms had 50 to 100 employees, according to a recent survey by Dun and Bradstreet.

To the extent information is publicly available, only 231 firms showed a sales volume of over $1 million—1,710 firms not reporting.

Some years ago we heard that "what is good for General Motors is good for the country." Now the word Lockheed has been substituted.

This slogan provoked considerable partisan political comments, but the fact is that the health and security of our Nation do go hand in hand with our economic prosperity. I would like to add the words "small business" to the formula. And I want to see it followed up by vigorous and constructive help from the White House for those of our 5½ million small businesses that need loan assistance to save them from becoming bankruptcy statistics.

COMPREHENSIVE CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, this morning's Washington Post contains an editorial endorsing the comprehensive child development provisions in S. 2007, the bill extending the Economic Opportunity Act which was reported by the Committee on Labor and Public Welfare last Friday.

This editorial, entitled "A New Chance for Children," lends strong support to the child-oriented, developmental day-care approach of this legislation which is drawn from the comprehensive child development bill I introduced in April with Senator JAVITS, Senator NELSON, Senator SCHWEIKER, and 29 cosponsors.

The editorial recognizes the necessity of making child development programs comprehensive, voluntary, educational and available to the middle income as well as poor families. It underscores the essential nature of meaningful parental involvement in child development efforts. Perhaps more importantly, it understands the distinction between custodial day care and real child development.

I ask unanimous consent that the editorial, and a similar editorial published recently in the Minneapolis Tribune be printed in the RECORD.

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

[From the Washington Post, Aug. 4, 1971]

A NEW CHANCE FOR CHILDREN

There is no way of figuring the United States Congress. Sometimes they take their own sweet time over major social legislation. The passage of Medicare took a whole generation of pressure, debate and publicity. At other times the wheels of change turn quickly and almost silently. We may witness this second phenomenon in the current session if—as now seems at least possible—Congress passes a Comprehensive Child Development Act. This piece of legislation could be as important a breakthrough for the young as Medicare was for the old.

The Senate Committee on Labor and Public Welfare has reported, as a new title of the Economic Opportunity Act, a Comprehensive Child Development Bill, sponsored by Senator Mondale and 29 of his colleagues from both sides of the aisle. A somewhat similar bill is being shepherded along on the House side by Congressmen Brademas and Reid.

The Mondale Bill would provide federal funds for locally administered child development programs of an extremely comprehensive sort. The emphasis would be on child development centers for pre-school children, which would be much more than day care centers. They would aim to provide a stimulating educational experience, as well as health services and attention to nutrition. Funds could also be used for infant care, after-school activities for older children, parent education programs and a variety of other activities. Parents would have a strong voice in the decision-making process through a series of local child development councils. Priority would be given to low income groups, but this is not just a program for welfare families. Services would be extended to all children, with special emphasis on children of working mothers and single parents. Families with incomes above a certain level would pay part of the cost.

Although some details might be improved, it is our view that the Mondale Bill embodies a highly constructive new approach to the well-being of children. It gets away from the dismal question of whether mothers should be *forced* to work—of course not, participation would be voluntary—and recognizes the fact that millions of mothers *do* work and more would like to if they could only make satisfactory arrangements for their children.

As every working mother knows, unless she is lucky enough to have a trusted relative down the street, it is almost impossible to find a good child care setup in most communities at any price. All-day programs for preschool children, even where available, are usually dreary, under-staffed, custodial arrangements that promise little more than to keep the child from physical harm, if that. Good nursery schools provide intellectual stimulation and creative play programs, but the private ones are expensive, the public ones are usually restricted to the very poor, and hardly any are geared to the needs of working mothers. Most nursery schools operate three to six hours a day, send the child home if he has a sniffle and close down for the whole summer. Even when the child reaches school age the average working mother is constantly worrying over makeshift arrangements for coping with after-school hours, illness and the long vacations. Those nice pictures of children learning and playing happily and safely while their mothers work always seem to be taken in Scandinavia or Israel or Eastern Europe.

The Comprehensive Child Development Bill is a recognition that good child-care arrangements are not just a concern of the poor, but of vast numbers of middle-income families. Indeed, the main reason why "day care" has such a dismal image and such inadequate support may be that it has mistakenly been regarded as just "something for the poor." A law giving the non-poor a stake in good public programs may be needed to break out of the current mold. It could also provide an opportunity for mixing children from different economic and racial groups and for genuine cooperation among diverse groups of parents. Bringing in the non-poor does not have to mean that services are free to everybody. One can have a sliding scale of fees for those who can afford them.

But the most important thing about this bill is that it is not a day-care bill; it is a child-development bill. It is not primarily intended to free mothers to work, but to provide comprehensive development services for children, whether their mothers work or not. This shift of emphasis to the child and his well-being may be the bill's most important feature. Day care of the custodial variety is probably not a good national investment even in the strict economic sense. But there is accumulating evidence that the early years of life are crucial—that stimulating the natural curiosity of children and developing their creativity and self-confidence can make a vital difference. This bill just might provide a vehicle for a new national effort to make childhood livable.

TO GIVE CHILDREN A BETTER START

The evidence has been building that millions of America's children are not happy, healthy, bright and on their way to successful adulthood. On the contrary, studies have revealed extensive hunger and malnutrition, neglected health defects and other problems of environment that impede learning. Poverty and lack of education limit many parents in what they can do for their children. Increasing numbers of mothers go to work, and many are unable to obtain proper care for the children while away.

These conditions are not new, but in the last few years they have been described with more facts, figures and interpretation by experts, and therefore with greater impact. At the same time, active interest in social problems has arisen. Consequently, the climate seems promising within both Congress and the Nixon administration for new legislation to help children. The child-development cause is bringing together lay organizations with interests ranging from women's liberation to civil rights, as well as professionals working on all aspects of children's growth.

As a result, Sen. Mondale's child-development bill, and its counterpart in the House, which a few months ago seemed like a long-range dream, are rapidly gaining sponsors, and the administration is pushing its more limited program for children. The congressional child-development plan would offer comprehensive services to children in both poor and more affluent families. This plan, starting at $2 billion the first year, would cost as much as $13 billion for the first four years. The administration proposal, which puts emphasis on expansion of day-care services, would double present spending for children, to a total of $1.2 billion a year.

We like the thoroughness and flexibility of the Mondale bill—its recognition of interlocking factors that hamper or help a child in physical, mental, emotional and social development. Thus far the administration proposal seems lacking in specific objectives beyond the day-care provision, which relates to a goal of getting more welfare mothers

back to work. The nation needs from Congress a better total welfare system, which would be of major benefit to children, but it also needs the kind of child-development law that would launch direct attacks on problems that now cripple many children for life long before they reach their teens.

OCEAN MAMMAL PROTECTION ACT

Mr. STEVENS. Mr. President, from time to time in the past few months, I have expressed strong opposition to S. 1315, the Ocean Mammal Protection Act, and similar measures now pending in the House. In speeches before this body, I have expressed the view that the act is extremely unsound from both an ecological and an environmental point of view in that it would terminate one of the most successful wildlife management programs in history—the Pribilof Islands seal harvest.

The leaders of many prestigious conservation groups have also stated that enactment of the act would seriously jeopardize the management program on the Pribilofs. To document the case against S. 1315 and the similar House bills, I recently inserted in the CONGRESSIONAL RECORD letters to the President and all Members of the House and Senate from the executive officers of these groups.

Today, I am inserting additional documentary material. One of the documents is a news release issued by Secretary of Commerce Maurice H. Stans after a recent visit to the Pribilof Islands. Secretary Stans concluded his statement with the observation that—

> Ending the program (on the Pribilofs) would not be in the interest of a sustained seal population, the Aleut workers, or the federal government. I repeat, if and when more humane methods for harvesting are found and satisfactorily tested, they will be adopted.

The Secretary also observed that the seal management program on the Pribilofs has been one of the most effective wildlife conservation and management programs in history.

In addition to this statement, I am also inserting an article printed in the July 1971 edition of NOAA, a publication of the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce. In this article entitled, "A Thriving Herd," Mr. John A. Guinan points out that under National Marine Fisheries Service management, the Pribilof seal herd has come back from near extinction. In addition, he describes the management techniques employed on the islands and exposes certain fictions that have been widely disseminated about the seal harvest.

Mr. President, I ask unanimous consent that the article from NOAA and the press statement issued by Secretary Stans be printed in the RECORD.

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

SECRETARY STANS REPORTS ON SEAL HARVEST AT PRIBILOFS

Secretary of Commerce Maurice H. Stans today reported his conclusions on methods used in the harvesting of seals, following his return from a visit to the Pribilof Islands off the Alaskan Coast in the Bering Sea on July 8th and 9th.

Secretary Stans went to the Pribilofs to observe fur seal management and conservation practices there, and to review harvesting methods in light of recent criticisms of the practices.

While there, he consulted with the following:

1. A group of six veterinarians named by the American Veterinary Medical Association to study the methods employed in fur seal harvesting.

2. Members of the administration of St. Paul, the major Aleut community in Alaska, located on one of the Pribilof Islands.

3. Representatives of the American Humane Association, the International Society for the Protection of Animals and the Humane Society of the United States, who were on the island to observe the harvesting.

4. Representatives of the Canadian government with responsibilities for seal harvesting in Canada.

5. Members of the National Marine Fisheries Service, which is responsible for the harvesting and preparation of the seal skins.

"The issue is not whether we will or will not continue to manage the fur seal herd," the Secretary said. "The issue is how we will manage the seal herds at their optimum levels most humanely."

The Secretary said present management practices were arrived at after the near extinction of the herd sixty years ago, and cessation of the internationally-negotiated management program now very likely would result in the same catastrophic effects. He said these could include resumption of high seas hunting of the seals, with indiscriminate slaughter, and a very high mortality rate of the pups on shore.

"As a result of my meetings and my personal review of the situation," he said, "I can report the following conclusions:

"1. There is no molestation or harvesting of the female seals, the pups or the male bulls associated with the harems in the rookeries. The only harvesting that takes place is of male seals three or four years old who situate themselves at a distance from the breeding herds.

"2. Except for the fact that the operation takes place in the open, the method of harvesting is very similar to that which takes place in a meat-packing plant. The herd of male seals is removed about 100 yards from the beach, sorted into groups of from six to ten, and each animal in a group is then rendered unconscious by a quick blow to the head and immediately killed by bleeding. The entire process, including the skinning of the dead animal, takes about one minute.

"3. Investigations have been conducted over a period of years to determine whether or not there is a more efficient method of harvesting. None has been found. The six veterinarians on the spot have been asked by me to make any recommendations for a more humane method of harvesting, and their report will be made to me upon the completion of the assignment. If their scientific studies establish that a better method is practicable, it will be adopted.

"4. The annual period of harvesting and the number of seals harvested is determined carefully on a basis that will maintain the population of the seal herd at its optimum level. As a result of this process, the number of seals on the Pribilofs is currently estimated at 1,300,000, compared to only 200,000 in 1911. There is no present danger whatsoever of extermination of the herd under these policies.

"5. The harvesting of the seals is the source of practically all of the income of the 700 Aleut residents of the Pribilof Islands. To deprive them of this income would make them dependent on the government. The local officials make it quite clear that they want the harvesting to continue so that the residents can earn a living and that under no circumstances do they want to move from the Islands.

"6. Any implications, such as those recently published, to the effect that baby seals are harvested, that harvesting is depleting the herd, that harvesting methods are inefficient or inhumane, or indiscriminate, are totally unfounded. The crop of these animals is being managed and harvested under scientific practices just as domestic animals are raised and harvested.

"Ending the program would not be in the interest of a sustained seal population, the Aleut workers, or the federal government. I repeat, if and when more humane methods or harvesting are found and satisfactorily tested, they will be adopted."

Secretary Stans said the fur seal management program has been one of the most effective wildlife conservation and management programs in history.

A THRIVING HERD

(By John A. Guinan)

On the grim, mist-shrouded Pribilof Islands off the coast of Alaska, an annual ritual that predates recorded history is taking place once again.

The Northern Fur Seals have arrived at the rookeries on these lonely islands. The snowdrifts along the rocky beaches and rough volcanic hillsides have not melted completely when, in late May and early June, the big breeding bulls begin to appear. Heavy with fat from the long winter's feeding, belligerent and full of fight, the bulls or "beachmasters" lumber ashore. Each establishes his individual territory—about 30 to 50 feet in diameter—which another bull enters at his peril.

Mature male or "bull" fur seals are much larger than the females or "cows." The fur seal cows average about 100 pounds in weight, but the great breeding bulls weigh from 400 to more than 600 pounds. The young of these fascinating creatures are called "pups."

Soon it is summer on the tiny islands where no tall tree grows, but where for this brief season hundreds of varieties of wildflowers of rare color and beauty burst into bloom.

About mid-June, the cows begin to arrive. Until this time, once their territories had been established, the bulls have slept or rested from their long sea journey. When the contest for their harems begins, however, there is no rest for the big beachmasters. Polygamous to an amazing degree, each gathers in as many docile cows as possible; the number varies from one or two to a hundred, but the average is about 40. Day and night, the air is filled with the bleating of females and young, and with the roars of the mighty males as each bull defends his harem against all comers. Battles between males are savage. From now until the end of the breeding season, the bulls live without food and get little sleep, gradually losing the layers of fat with which they came ashore.

Almost as soon as the harems are formed, the pups conceived the year before begin to appear, and soon after a pup is born the mother is bred again. One pup per cow is the rule, and the young are carried for an entire year before birth. Not all cows bear young each season; the proportion is about 80 percent.

The pups are precocious, their eyes wide open. They are active and have a coat of hair. It will be some weeks before any fur appears. They are entirely dependent on the mother's milk for food. The cow generally stays close to her youngster for several days, then leaves to go to sea for food. The mother may be away for a week, her trip taking her as far as a hundred miles from the rookery, but when she returns, the pup makes up for lost time.

It takes on several times more milk than would a human infant of the same body weight—up to a gallon of rich, creamy milk at a feeding. The little stomach swells like a toy balloon as the pup drops off for a long sleep. The mother seal will feed only her own pup and, despite her lengthy absence, the miles she travels, and the thousands of pups in a rookery, she finds her own.

Baby fur seals venture to the water at about four weeks. Even though they can swim at birth, they have very little endurance. Their first trips to the cold water are taken with trepidation.

The cow seals nurse their young for about three months, and no human disturbs them. By now the weather is taking a turn for the worse, and the pups are left abruptly to shift for themselves. Early mortality is high. Many pups succumb on the island before migration; others are prey to killer whales or big sharks; still more are lost in storms at sea. Yet more than enough young seals survive each year to keep the herd at its maximum healthy size.

Around the edges of the breeding rookeries range the younger bulls, varying in age from six to eight years but not yet strong enough to compete with the fully matured beachmasters. Now and then they may steal a wayward wife or two, or even take over the harem of a disabled monarch. But most of the younger bulls await the end of the active breeding season when the young unbred females appear on the shore to join their first harem.

And while all this activity goes on, the younger male seals, up to six years of age—known as "bachelors"—congregate in their own area nearby. It is from these males that the annual harvest of fur seal skins is taken, primarily from three and four-year old animals. Because the number of males and females at birth is approximately the same, and because the breeding bulls are so polygamous, many of these bachelors are surplus to maintaining the population of the herd.

Removing bachelors from the hauling grounds is comparatively easy and does not disturb seals in the breeding rookeries. The weeks from late June until early August find the Aleut sealers on the hauling ground each morning at daybreak. The bachelor seals are driven a short distance inland from the beaches and sorted into progressively smaller groups or "pods," until only those to be harvested remain on the grounds. The seals are dispatched by a single blow to the head with a long club, immediately-followed by sticking the heart. It may look cruel, but it does render a quick death. In fact, no quicker or more efficient way has been found to kill the animals in spite of a great amount of research over the past three years to find another method. The National Marine Fisheries Service, which administers the Pribilof Island Fur Seal Program, continues to seek an alternative method of dispatching the animals and this year has a six-man team of consultants referred by the American Veterinary Medical Association studying the problem on the islands.

After the pelts are taken, they are transported to a processing plant on the islands where they are cooled and washed, and the fat or blubber is removed. The pelts are then cured in brine; when this process is complete, they are packed in wooden barrels.

Fifteen percent of all skins taken by the United States go to Japan and another 15 percent to Canada, under terms of an international treaty. In return for a share of the skins, Japan and Canada refrain from what is called "pelagic"—sealing—that is, taking seals at sea. Pelagic sealing is a wasteful process, because the sex or age of seals is most difficult to determine when they are in the water, and because many animals are merely wounded and lost.

The Soviet Union harvests fur seals on the Commander Islands and Robben Island and has the same percentage arrangement with Japan and Canada. Representatives of the four nations meet annually under terms of the Interim Convention on the Conservation of North Pacific Fur Seals.

The Alaska fur seal herd, the world's largest, today numbers some 1.3 million animals. Early in this century, the seals faced extinction as the population declined to about 200,000. Since then, under the sound wildlife management practices of the NMFS (formerly the Bureau of Commercial Fisheries), the herd has increased and stabilized. Scientists determine how many seals can be taken each year without endangering the population, and the kill is limited to that number. The restoration of the herd has been hailed throughout the world as an outstanding achievement in wildlife management and conservation.

NMFS scientists and technicians travel to the Pribilofs to supervise the annual harvest. They join the year-round and temporary Aleut employees who work on all phases of the harvest. Sealing and related services are the only real employment available to the people of the islands.

The inhabitants are Aleuts, a people said to have been taken to the Pribilofs to harvest seals for the Russians shortly after the islands were discovered. They are generally somewhat shorter than their fellow Americans in the "Lower 48" and somewhat stockier in build. They are not Eskimos, and maintain they are a separate race. Some of the present residents can trace their ancestry back for 180 years; more than 95 percent were born on the Pribilofs.

St. Paul, the larger of the two inhabited islands, is home to about 400 residents. Compared to many towns in Alaska, it has excellent physical facilities—reliable electrical service, pure water, a volunter fire department and a sewer system. The frame homes are arranged on streets, and new homes may soon outnumber the older residences.

The Aleuts are keenly aware of the importance of sealing, because it is their primary source of employment except for the relatively few service and maintenance jobs. There is no agriculture. St. Paul has several local businesses. There are four cafes, or refreshment stands, two movie houses, several taxis or rental cars, and one intermittent barber shop.

Since 1962, all workers employed by the United States have received standard government wages in accordance with the work performed and the period for which they were employed.

The Aleuts are full-fledged U.S. citizens who vote in local, state, and national elections. They all speak English, pay taxes, and young men are subject to the draft. Elementary school education is available, but for a high school education youngsters must go to the mainland.

Residents of the Pribilofs do not yet have telephones or television, but practically every family has at least one short-wave and long-wave radio. Many homes are equipped with citizens-band short-wave radios which substitute for telephones, except that there is no privacy. With these radios, they can communicate with each other on St. Paul and with friends and relatives on St. George, the other occupied island. The story is told of an Aleut lady who wanted to have a semi-private chat with a friend at the other end of the village via the citizens-band radio, so she whispered.

A small herd of wild reindeer roams St. Paul Island; and bird lovers come from all over the world, equipped with cameras and binoculars, to see the tufted puffins, the murres, the kittiwakes, the pelagic cormorants, and many other species.

And each year, the seals return, in a migration that has continued for eons.

THE TRUTH ABOUT THE U.S. FUR SEALS

FICTION

The U.S. kills baby seals on the Pribilof Islands.

FACT

The U.S. does not kill baby seals on the Pribilofs or anywhere else. Misleading advertisements have used pictures of a Canadian harvest of a different species of seal.

FICTION

The U.S. seal harvest takes place on the ice.

FACT

The U.S. harvest takes place on land a short distance from the rookeries where animals can be carefully selected for sex and age.

FICTION

Clubs are used because it's the cheapest way to kill the animals.

FACT

Scientific evidence has shown that clubbing and sticking the heart with a sharp knife is the quickest and most humane way known to dispatch the seals.

FICTION

At the rate we are killing them the last seal will soon be gone.

FACT

The Pribilof Island seal herds are scientifically managed to maintain the herd at its stabilized population of about 1.3 million animals. That is close to the number which will provide the greatest annual harvest.

FICTION

Seals are skinned alive.

FACT

There is no possibility that the animals could be alive or could recover after being struck with the club and the heart stuck with a knife.

FICTION

Clubbing and stabbing are cruel.

FACT

The method is consistent with current humane slaughter practices. The United States refuses to use a less effective method merely for the sake of appearances.

AN INCOMES POLICY: WHY NOT?

Mr. MONDALE. Mr. President, last Monday, the Minneapolis Tribune ran a most intelligent editorial on our present economic troubles.

The editorial points to the broad range of economists, businessmen and political leaders who have joined in the call for some kind of incomes policy. In this category, it mentions the chief executives of Motorola, AMF, and Borden, George Meany, Arthur Burns, and Professor Galbraith.

The editorial concludes with the following observation which, in my judgment, is the heart of the matter:

An incomes policy is no panacea. Surely, though, it would be better than the present administration policy of unfounded optimism.

I ask unanimous consent that the Minneapolis Tribune editorial be printed in the RECORD at this point.

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

[From the Minneapolis Tribune, Aug. 2. 1971]

AN INCOMES POLICY: WHY NOT?

Everyone who proposes an incomes policy—some form of federal review or control of

wages and prices—wishes such a move could be avoided. It's like jumping from the fire into the frying pan. Americans are being badly singed by inflation, and those who normally would do a slow burn at the prospect of federal intervention are coolly calling for an incomes policy.

Early this year, for example, Forbes magazine quoted such unlikely advocates of wage-price controls as the chief executives of Motorola, AMF and Borden. Before that, the prestigious Committee for Economic Development recommended voluntary controls, with a few members leaning toward the mandatory version. Only three weeks ago, George Meany of the AFL–CIO conceded the need for setting limits on wages and prices. Bruce MacLaury, new president of the 9th District Federal Reserve Bank, has called for an incomes policy. And economists from Arthur Burns to John Kenneth Galbraith have been telling Congress that guidelines at least, controls at most, are necessary.

The Nixon administration expresses confidence in present policies. We are among those who do not share that confidence. The annual rate of increase in cost of living remains, like the unemployment rate, around 6 percent. Major labor contracts have been settled—sometimes after costly strikes—with requirements for annual pay increases that often are double that 6-percent figure and continue for two or three years. Last week's report of leading business indicators was a forecast for declining economic activity in the months ahead. Finally, the $23 billion deficit in the federal budget for the year just ended is likely to be exceeded in fiscal 1972. Burns, chairman of the Federal Reserve Board, nicely understated the problem last month: "The rules of economics are not working in quite the way they used to."

We don't know whether an incomes policy would be a workable economic rule. Among those who think it would be, opinions vary widely as to just what point in the range between voluntary and mandatory controls would be best. Some experts say controls should be applied only to big business and big labor. Some would make them comprehensive. Others would freeze wages, but not prices. Still others would settle for presidential "jawboning."

All that seems really clear is the inadequacy of present policy. President Nixon assured Congress in February that "the basic conditions to bring about a simultaneous reduction of unemployment and inflation are coming into being." On that premise, his reaffirmed opposition to wage-price controls, direct or indirect, was logical. No president should be blamed for making a faulty forecast, but when the forecast proves wrong, adherence to past policy is not commendable consistency. An incomes policy is no panacea. Surely, though, it would be better than the present administration policy of unfounded optimism.

JEWS IN RUSSIA

Mr. HRUSKA. Mr. President, a number of Senators have taken the Senate floor to speak out against the oppression and persecution directed against Jews who live in the Soviet Union. I wish today to add my voice to theirs in the hope that, together, we can make ourselves heard in Russia.

Everyone in the free world is concerned with the Communist attitude toward religion in general. Christians in Communist bloc countries must endure a significant degree of discrimination which, of course, varies from country to country. Soviet anti-semitism is perhaps the most serious symptom of the anti-religious disease that is inherent in communism. In Russia, this symptom has from all reports produced intolerable results for Jews who merely wish to be left in peace to live as their religion and ethnic heritage dictate.

The evidence which filters out of Russia through reliable sources makes the official and unofficial Soviet attitude toward Jews quite plain. Synagogues and cemeteries continue to be desecrated, and some destroyed completely. Essential religious articles can be neither manufactured nor imported. The study of Hebrew has been effectively precluded. Kosher food is well-nigh impossible to obtain. And both religious and ethnic publications are nowhere to be found as far as the Soviet Jew is concerned.

This is but a part of the whole. The cultivation and encouragement of anti-Semitism by those in positions of influence over the Russian people is the most insidious aspect of the misery which Soviet Jews must face daily. The public media misses no opportunity to arouse the people against Jews and Judaism. In short, there is persecution of the worst sort at every official and unofficial level.

The bitter irony of this situation is that Jews must remain and face this kind of treatment. They have been made exiles in their own land. Yet they are not allowed to emigrate to another country for the same reason that the Communists built the Berlin Wall—it would be an embarrassment to the idealistic existence one is supposed to enjoy in a Communist state. In their desire to leave, the many Jews who wish to do so are of course joined by significant numbers of others throughout the Communist world. If Soviet Jews were allowed to leave freely they would be joined and followed by more people of different faiths and beliefs who nevertheless share a common desire: the wish to be free.

Contrast this situation with America, where our citizens are free to emigrate. They are even encouraged to do so by advertisements in certain quarters which state: "America—Love It or Leave It!" But relatively few Americans do leave, in spite of their disenchantment with certain aspects of life in this country.

I am certain that Jews and other minorities in Russia would be willing to remain if they were given reasonable equality of treatment and allowed to live in peace. If Russia is unwilling to grant these people such status, it should allow them to leave in peace. But up to this point, neither has been done.

This deplorable situation must not be allowed to continue. The world grows smaller each day, and each day we renew our hopes for international harmony. President Nixon has made great strides during his term of office in attempting to lessen tensions between America and the Communist powers. We are told in various ways that Russia seeks an understanding with us as well.

Mr. President, how can we hope to reach an understanding with a country which will not treat its own people in a civilized manner? How far can we go in dealing with a nation which has so little regard for the rights of people living within its own borders?

The plight of the Soviet Jews should be of grave concern to every citizen of this country, both for its own sake and for its larger implications. We must not allow these people to be forgotten, and we must not permit Soviet officials to ignore their responsibilities. I urge the Soviet Government to act responsibly in this matter, and to provide its Jewish citizens with fair and equal treatment. I further urge that all citizens of Russia be given the right to emigrate as provided by the United Nations Declaration on Human Rights.

Mr. President, I firmly believe that appropriate action by the Soviet Union in this matter would go a long way in the cause of world peace. It is my hope that they will see the wisdom of such action.

BRUTAL REPRESSION IN EAST BENGAL

Mr. MONDALE. Mr. President, there can be no doubt of the grave and mounting danger of major catastrophe in Asia. One region is already devastated, with hundreds of thousands of innocent civilians brutally murdered in East Bengal. Now seven million more face starvation or deadly disease as refugees in India. Tens of thousands join them every day.

Journalists and other independent observers have thoroughly documented the role of the West Pakistan government and military in carrying out the systematic destruction of East Bengal. People in the United States and many Senators are shocked and deeply grieved by that regime's brutal repression of the East.

America's true principles as well as sympathy lie in offering maximum assistance to the victims of this tragedy and at the same time in opposing the inhumanity displayed by the government of West Pakistan.

But in spite of all the evidence, the State Department here in Washington still clings to the out-dated assumptions which first inspired economic and military aid to Pakistan. Continuation of such aid not only breaks faith with our principles, it undermines our national security interests as well.

The old abstractions about balance of power in Asia have little connection with the incredible suffering now taking place among the Bengalis. But the desperation of these people and growing tensions in India may erupt at any moment. Still it is the near incomprehensible proportions of human loss—not the old assumptions—which the administration apparently considers irrelevant to American diplomatic policy in Asia.

If, as we are told, one purpose for continuing support for West Pakistan is to gain leverage to prevent bloodshed, we must understand the error implicit in that kind of logic. Such thinking could justify support for the worst imaginable dictatorship.

In truth, the primary purpose for our aid to Pakistan has little to do with the bloody repression in the East. But the effect of our aid is directly connected with the destruction going on there. Our weapons and our economic assistance help to carry out the inhumanity.

And that link is not unobserved by India and other countries in Asia. It will have a great impact on the way these countries regard us and it could irreparably damage our long-range diplomatic interests with them.

More immediately, our aid to Pakistan only contributes to the volatility of relations between India and Pakistan. As new refugees pour out of East Bengal, India may soon be unable to even barely sustain the millions there now.

The level of hostility has grown and will continue to do so until these conditions are alleviated.

Earlier this month, I received an extremely thoughtful and troubling report from Prof. Martin E. Abel of the University of Minnesota who has just recently returned from New Delhi. Dr. Abel has firsthand knowledge of the tensions caused by massive migration of Bengalis to India. I believe his letter reveals many important considerations our present diplomacy badly neglects.

I have written to Secretary Rogers for his response to these serious concerns. I have also asked him to provide concrete evidence of any positive results from our support for Pakistan since the terror began last March. I am looking forward to his answer because I can myself conceive of no gain which could possibly compensate for the most remote U.S. association with chaos and terror of the past 4 months.

I would like to share Dr. Abel's letter with my colleagues and ask that his comments be given urgent consideration by the Senate.

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

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

UNIVERSITY OF MINNESOTA,
St. Paul Minn., July 9, 1971.

HON. WALTER F. MONDALE,
Senate of the United States,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I have recently returned from India after a two year assignment as Program Advisor in Economics with the Ford Foundation in New Delhi. In this position I was able to observe closely economic and political developments in India.

I am writing to express my personal concern about the refugee problem in India created by the actions of the Pakistan government in East Pakistan and the economic and political consequences of this problem for India. The situation is extremely grave. However, the United States has not recognized the magnitude of the problem, its long-run consequences, or what it should do to contribute to stability in the region. I will confine my remarks to the problems created for India by the Pakistan situation. The inhumanity of the situation within East Pakistan has been treated by the world press as well as by others.

There are now over six million refugees from East Pakistan in India. They have been coming in at the rate of about 100,000 a day and continue to do so. While the initial influx of refugees was predominantly Muslim, the vast majority of them are now Hindus escaping persecution in East Pakistan. There are two very serious long-term consequences of the quantity and composition of the refugees for India.

First, because the refugees are predominantly Hindu, they can't be sent back to East Pakistan and must be absorbed by India. This presents a terrible, long-term economic problem. Problems of rural and urban underemployment and unemployment have already reached critical proportions in Eastern India. The refugees cannot be absorbed through effective employment—there is just not enough land or jobs. Also, there is a severe shortage of administrative staff! The financial burden to India is enormous. Maintaining six million refugees will cost India annually nearly $600 million; an amount almost equal to the *net* foreign aid it receives. The financial burden is sufficient to halt progress in economic development and certainly to undermine the new and promising directions in which Mrs. Gandhi is trying to move the country. As of a few weeks ago, total foreign assistance to India for the refugee problem totaled a mere $47 million.

Second, severe political problems have arisen. Hostilities have been created because some of the refugees are competing with local labor for employment. Wage rates in West Bengal, which are already very low, have been depressed sharply as a result of the influx of refugees. There are sharp language differences between the refugees (Bengali speaking) and people in more distant states (U.P., Bihar and Madhya Pradesh—Hindu speaking). This complicates absorbing the refugees outside of the immediate environs of Eastern India. Furthermore, certain political elements in India are exploiting the present situation to their advantages. Prior to the Pakistan problem, the political situation in Eastern India, especially West Bengal, was precarious. Additional political unrest could have very grave consequences for India, and the world will be touched by it. It could dash all hopes for stability in that part of the country and undermine India's economic development!

Increased communal (Hindu-Muslim) tensions have also to be noted. This problem is widespread. There have been numerous large riots in the past two years. There could be a much larger explosion of Hindu-Muslim confrontations as a result of the Muslim persecution of Hindus in East Pakistan.

Time is running out for India and she will have to act soon, although no bright alternatives exist. Most of the refugees now in India can't be sent back. The flow of new refugees will have to be stopped. Under these circumstances, it will be difficult to avoid some form of military confrontation between India and Pakistan at least along the borders of East Pakistan. It could be costly to both countries.

India needs help and needs it fast! Immediately, recognition of the extreme and long-term nature of the political dimensions of the problem by the United States would be terribly helpful. So far, only the USSR has seen this aspect of the problem. And, there are many in India who are dismayed by the influence this will gain for the Soviet Union. The Pakistan problem, for India, is not an internal one. This must be recognized by the U.S. The political and economic problems created in India must also be recognized. India cannot cope with these problems without significant long-term assistance from other countries. For reasons given above, it would be well for the world to recognize such action as a necessary defensive measure and not view it as another Indo-Pakistan confrontation of the 1965 type. India needs now, and will continue to need for a long time to come, considerable economic assistance to effectively absorb the million of refugees and minimize domestic political repercussions. What it is now receiving is a mere pitance. A strong and forthcoming position by the United States would mean a great deal.

The U.S. has much to gain. Mrs. Gandhi won a smashing political victory in March and wants to use it to develop sound economic policies and programs. Some promising initial steps have been taken. However, the Pakistan situation has side-tracked all of this. Further delay will be costly. The U.S., like it or not, has a big investment in India. Some added expenditure on "insurance" for this investment may make good sense. With sufficient assistance, India might be able to cope with the explosive political situation created in the Eastern region of the country and to keep it from spreading to other parts.

I would hope that you would be able to help in quickly moving our country toward a more constructive set of policies in the Pakistan situation and, particularly with respect to India. I will be happy to further discuss this matter with you.

Sincerely yours,

MARTIN E. ABEL,
Professor.

U.S. SENATE,
Washington, D.C., August 2, 1971.

HON. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have recently received a deeply thoughtful and troubling report from Professor Martin E. Abel of the University of Minnesota regarding the desperate refugee situation in India.

Dr. Abel has first-hand knowledge of the dangerous tensions created by massive migration of Bengalis to India. His letter raises several immediate questions about our present diplomatic policies with respect to India and Pakistan.

I would appreciate your responses both to Dr. Abel's perceptive comments, and to several questions related to his observations. Specifically, I would like to know:

1. If—as we are told—continued support for West Pakistan is designed to deter further violence, what concrete evidence do you have of any positive results since the terror began last March? I believe this appraisal must be made in full awareness of the use of American weapons and economic aid in carrying out brutally repressive policies in the East.

2. Since our diplomatic policies lend support to the West Pakistani regime, what steps have we taken to validate that government's promise for the safe repatritation of refugees? What measures have we taken to guarantee no retaliation will be taken aginst members of the political opposition to the West Pakistan regime? What assurances are we prepared to offer as to the lives and freedom of refugees who voluntarily return to East Bengal?

3. If we are not prepared to make assurances to the refugees, what provisions has the Department of State made to respond on a continuing basis to the overwhelming burdens facing India in sustaining nearly 7 million refugees? How much additional relief is contemplated? How many State Department officers are now assigned to assure a timely and effective U.S. response to the refugee crisis?

As you know, the foreign aid bill will soon be coming before the Senate for a vote. Our policies with respect to India and Pakistan are central to any debate on this legislation. I am confident that your response would shed much needed light on the discussion of our policies to alleviate the terrible suffering and loss in India and East Bengal.

I look forward to receiving a reply at your earliest convenience.

With warmest regards,
Sincerely,

WALTER F. MONDALE.

VOTER REGISTRATION

Mr. KENNEDY. Mr. President, as every Senator is aware, one of the most

serious contemporary blights on our democracy is the maze of confusing and conflicting voter registration requirements that operate in virtually every State to deny the right to vote to millions of American citizens.

The figures from the 1968 presidential election tell a dismal story of American voter participation. Of the 120 million potential voters in that election, only 61 percent—or 73 million—actually went to the polls. Forty-seven million people stayed home, in an election in which the winner himself, President Nixon, received only 31 million votes.

The turnout in the United States was lower than that in almost every other major democratic nation of the Western World. In 1970, in Britain, 72 percent of the eligible voters went to the polls, and it was called one of the lowest turnouts in British history. In Ireland, the voter turnout in the most recent election was 75 percent. It was 76 percent in Canada, 80 percent in France, 87 percent in West Germany, and 89 percent in Sweden and Denmark.

The heart of the problem today is our outdated and ineffective system of voter registration, the system by which we determine the eligibility of citizens to vote. Designed for another era to meet a different problem, voter registration today is a nonsystem that has become the largest single obstacle to the most fundamental right of all in a democratic society—the right to vote.

One of the brightest chapters in the history of America is the progress we have made toward our goal of universal suffrage and full participation by every citizen in the political life of our Nation. The route we have traveled in the past hundred years since the Civil War is marked with the major milestones of the efforts we have made to broaden our democracy. Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote:

The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court and historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the right to vote.

Now the time has come to take another great step, by ending the arbitrary and unfair practices of voting registration that operate in so many States to deny the right to vote. The defects of the present system are well known. They are not confined to any particular State or region of the country. They are as current as today's headlines.

With the exception of 3 days of precinct registration 30 days before an election, the only place that a person can register to vote in the Nation's largest city is at the downtown central office of the board of elections. For thousands of the city's residents, the expense and inconvenience of a trip downtown is an overwhelming deterrent to voting.

The situation is the same in a large Midwestern city. With the exception of 3 days of registration in local precincts a month before an election, the only place that anyone can register is at city hall. Year round, with the exception of these 3 days, there is one central place for voter registration in the entire city. For thousands of citizens, the path to the polls is made unnecessarily difficult by the requirement of central registration.

In another Midwestern city, shortly before a primary election last spring, approximately 2,500 black citizens were purged from the voter lists. They were not notified of the action until less than a week before the primary, when they were told that if they wished to be reinstated on the lists, they would have to go in person to the county courthouse, which is outside the city limits.

A much more extensive purge took place in a large eastern city, in connection with a primary election last spring. Before the primary somewhere between 80,000 and 90,000 citizens were purged from the lists of eligible voters.

And, in a major southern State, large numbers of potentially eligible citizens will be denied the vote in the coming fall elections because of the State's requirement that voter registration books must close 4 months before an election. The burden of this early closing requirement falls most heavily on young citizens newly enfranchised by the 26th amendment to the Constitution, which lowered the voting age to 18 in State and local elections. The amendment was ratified on June 30. Less than 48 hours later—at 5 p.m. on July 2—registration closed, thereby effectively depriving tens of thousands of young residents of their newly won right to vote. Yet, we know their strong desire to vote. In the 2 short days of registration, there was a rush to join the voter rolls. According to press reports, large numbers of eager 18- to 20-year-olds formed long lines outside courthouses throughout the State, hoping to register on the 2 available days. But many were turned away, still standing in line, at the close of business on July 2.

These examples are only the tip of the iceberg. Comparable problems and obstacles can be found in every community throughout America. Wherever we look, we find citizens disfranchised by one or another of the multiple burdens imposed by our archaic registration system. For some persons, it means loss of income or time away from the job to register. For others, it is the sheer difficulty, complexity, and inconvenience of the registration process. For still others, it is the problem of early registration deadlines, frequent purges of the registration rolls, or the lack of any effective absentee-registration procedure. At every turn, requirements like these frustrate the right to vote in almost every election. Their burden has become intolerable.

In an effort to end these unfair practices, I had hoped to add a provision to the pending election reform legislation to establish a simple postcard system of universal voter registration for Federal elections. In recent weeks and months, a number of other Senators—especially Senator DANIEL INOUYE, Senator HUBERT HUMPHREY, and Senator THOMAS EAGLETON, have proposed highly constructive solutions to the problem. In light of the urgency of enactment of the pending election reform legislation, and the developing interest in Congress in registration reform in its own right, I do not plan to call up this amendment. Instead, I intend to reintroduce the amendment as a separate bill.

In light of the clear-cut power conferred on Congress by article I, section 4 of the Constitution, and the Supreme Court's strong decision last December in Oregon against Mitchell, the 18-year-old voting case, there can be no doubt that Congress has the power to act by statute in this area. The call for reform is clear, and the time has come for Congress to respond.

I am hopeful, therefore, that hearings and other action will take place promptly on the bills that have been and will be furnished, so that, before this session of Congress adjourns, we may yet enact comprehensive registration reform legislation, capable of ending, once and for all, the clear injustices that now exist.

BEHAVIORAL SCIENTISTS URGE ESTABLISHMENT OF COUNCIL OF SOCIAL ADVISERS

Mr. MONDALE. Mr. President, the Special Subcommittee on the Evaluation and Planning of Social Programs, which I have the honor to chair, recently held hearings on the Full Opportunity and National Goals and Priorities Act. S. 5. This bill, which I introduced initially in 1967, is cosponsored by 22 Senators from both parties.

Although the social science community has been reluctant to support this proposal vigorously in the past, I am happy to see that opinions are shifting. Last October, the Brookings Institution conducted, at the request of the U.S. Office of Education, a "Symposium on Applying Knowledge from the Behavioral Sciences to Social Legislation Programs." Distinguished participants included persons from the academic world, from the executive branch, and from Congress. I think that Senators will be interested to know that this group recommended the

creation of a Council of Social Advisers. The report of the symposium states, on page 10, that—

Many participants came to the symposium strongly opposed to the creation of a Council of Social Advisers. . . . After reexamining the issues, however, the group felt that the legislation and structures should be created.

Two additional statements supporting enactment of this measure were made by social scientists in testimony on the bill. Prof. Raymond A. Bauer, of the Harvard Graduate School of Business Administration, has long been known as an expert in this field. He is the editor of a book called Social Indicators, published in 1966 by the MIT press. He also served as the senior consultant to the National Goals Research Staff established by President Nixon in 1969 and summarily abolished in 1970. His testimony makes an excellent case for the urgency of moving ahead with social accounting and the institutional arrangements necessary to make this possible.

Dr. Nicholas J. Demerath III, executive officer of the American Sociological Association—on leave from the University of Wisconsin—also presented impressive testimony on the need to bring social scientists into the councils of government. He recounts some of the substantial progress that has been made in the social sciences in recent years.

The Chairman of the National Urban Coalition, Mr. Sol M. Linowitz, also testified in support of the bill. He made an outstanding statement on the need for a Congressional Office of Goals and Priorities Analysis, as well as for a Council of Social Advisers.

Mr. President, I ask unanimous consent that an excerpt from the report of the Symposium conducted by the Brookings Institution and the testimony of Professor Bauer, Dr. Demerath, and Mr. Linowitz be printed in the RECORD.

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

To encourage systematic data collection and its use in decision making, the group endorsed a recommendation that has been made before:

6. That efforts be made to increase the flow of social data to operating agencies at all levels of government; and that continuing systems of social indicators be devised, collected, maintained and published regularly; and that a Council of Social Advisers be created which would report annually to the President and to the Congress.

The "continuing systems of social indicators" involves the collection of "time series" data from which longitudinal inferences can be drawn. While endorsing the work currently being done in the Office of Management and Budget, the group felt that this proposal encourages a considerably expanded effort. OMB is attempting to compile data already collected by government agencies. These data are not systematic and are mostly "static." A creative effort—similar to that performed by the economists some years ago—is required to devise and collect comprehensive data about the "social state of the Union."

Oddly enough, many participants came to the symposium strongly opposed to the creation of a Council of Social Advisers. Some had even testified in Congressional hearings against proposed legislation that would create such a body. After reexamining the issues, however, the group felt that the legislation and structures should be created to provide the necessary information for the development and articulation of social goals, and for creating systematic programs for the achievement of those goals.

Many participants felt that the Council of Economic Advisers ideally should be expanded into a Council of Economic and Social Advisers. Such a council could provide comprehensive advice and guidance to the President. In turn, a Joint Economic and Social Committee of the Congress could review legislation comprehensively in light of national needs. Current reality suggests, however, that it may prove easier to create a new Council of Social Advisers than to tamper with present institutional arrangements. In some later government reorganization the two councils and their joint committee counterparts in the Congress could be meshed.

Great stress was laid upon the need to begin. It will be several years before a Council of Social Advisers can provide the sophisticated guidance now provided by the Council of Economic Advisers. But with a legislative requirement for annual reporting, it was felt that this sophistication would come more quickly.

TESTIMONY ON "THE FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT"

(By Raymond A. Bauer)

My name is Raymond A. Bauer. I am Professor of Business Administration at the Harvard Graduate School of Business Administration. By professional training I am a social psychologist. There are two items in my background that are especially relevant to my testimony on The Full Opportunity and National Goals and Priorities Act. A few years ago I assembled a group of scholars, and with them produced a book called *Social Indicators* which called attention to the weakness of our understanding of the non-economic aspects of our society. The book appears to have been one of the events which stimulated interest in social reporting and social indicators featured in Title I of this act. However, if my memory serves me right, I should say that the idea had occurred independently to Senator Mondale even before the book appeared. Secondly, I served for a number of months as Senior Consultant to the National Goals Research Staff of the White House. The National Goals Research Staff had a mandate, during its brief life, with certain resemblances to the proposed Council of Social Advisors. In general, I might say that its mandate covered most of the tasks, though certainly not all of the status and powers, which Title I would give the Council.

Before I proceed with the substance of what I have to say, let me express my appreciation for the efforts Senator Mondale has made over recent years to address certain vital concerns that we all share. On matters as complex as the application of the behavioral and social sciences to national problems it is inevitable that there will not be complete and precise agreement as to exactly what should be done. Nevertheless, the entire informed behavioral and social science community has been appreciative of the Senator's understanding of the relevance and contribution of these disciplines—both potential and actual.

I shall confine my remarks to Title I, where my competence is most relevant. I should, however, say in passing that the proposals of Title II appear to offer a valuable contribution to Congressional decision-making as I understand it.

Title I declares that it is the policy and responsibility of the Federal Government to promote such conditions as to offer "every American the opportunity to live in decency and dignity," and specifies a considerable number of areas of life in which this policy should be pursued. It requires the President to report annually on progress in implementing this policy. This report shall be called the social report. To aid the President, a Council of Social Advisors shall be established in the Executive Office of the President which will aid him in preparing the social report, which will establish a series of social indicators for measuring social progress, and which will do a variety of research and analysis to facilitate the policy established in Title I.

The attractiveness of this proposal is so great that one may perhaps best proceed by considering some of the reservations which have been raised against it in the past.

One objection is that we should not clutter up the Executive Office any further with another unit reporting to the President. I am very sympathetic to this desire to avoid further administrative complexity. However, we already have a Council of Economic Advisors and a Council on Environmental Quality, an Office of Science and Technology, and so on. Much of what is important to the "decency and dignity of Americans" does not fall in the mandate of any of these existing agencies. It seems to me that the argument for administrative simplicity does not carry sufficient weight to warrant our not giving equal attention to these central areas of human concern.

A version of the preceding argument is that the functions of a Council of Social Advisors should be included in an expanded version of the Council of Economic and Social Advisors. It is my understanding that a previous CEA was resistant to this suggestion. I do not know the stand of the present CEA. However, a strong argument could be made, and I would subscribe to that argument, that the work of the Council of Social Advisors would develop better if that group were permitted to operate independently of the more mature discipline of economics—though maintaining close liaison with the CEA. It is conceivable that a version of a combined Council of Economic and Social Advisors could be presented of which I would approve. However, we are not confronted with that option, and the non-economic part of that which is "social" goes relatively neglected.

Finally, the most important question that has been raised is that of whether the relevant disciplines—presumably the behavioral and social sciences other than economics—are prepared to undertake the job of a Council of Social Advisors. The answer to that question depends, of course, on what one thinks the job is, and what level of contribution short of perfection he aspires toward.

A clue to the thinking that lies behind the question of whether we are competent to undertake the task of a Council of Social Advisors can be found in the recommendations of the highly prestigious Behavioral and Social Sciences Survey Committee of the National Academy of Sciences and the Social Science Research Council, the so-called BASS Committee report. These recommendations, which cover a wide variety of topics, were inserted by Senator Mondale in the Congressional Record of January 25, 1971 immediately following his introduction of the Act.

The BASS Committee does not recommend a Council of Social Advisors at this time. Rather, they recommend the development of an annual social report in the private sector to run for some unspecified period of time until it has proven itself. At this point, says the report "a natural next step would be to establish a council of social advisors to consider the policy implications of this report." The model for this sequence obviously is the pioneering work of the National Bureau of Economic Research which developed a system of national economic accounts prior to the establishment of the Council of Eco-

nomic Advisors in 1946. The inevitable yardstick that is used for assessing our competence to undertake a Council of Social Advisors is that of whether the other behavioral and social sciences are as well developed as was economics with the establishment of the CEA. And, specifically, it is pointed out that we do not have a model of the American social system comparable to the model of the economy on which economists could reach at least reasonable agreement some twenty-five years ago.

The answers are several.

We are far from having a model of the social system as adequate as I understand the economic model of 1946 was. There may be a minor blessing in this in that the existence of such a model might evoke images of widespread social control which I am sure is far from the intent of this Act. However, such a model could indeed be useful—if properly employed—when and if we are to develop one on which there is susbtantial consensus.

It does not follow that the existence of a single unified model of anything is the sole criterion by which to judge the level of development of such a wide range of disciplines as the social and behavioral sciences. The other social and behavioral sciences have a work agenda considerably broader than that of economics. And in their several areas of concern each of these disciplines has made considerable progress in the way of substantive knowledge, technique, and theory. The proper way to put the question is whether these developments are adequate to the tasks proposed by this Act.

In his introductory remarks of January 25, 1971, Senator Mondale characterizes the Council of Social Advisors as "a social monitoring, data gathering, and program evaluation agency." If this description reflects the central core of competencies required, then there is little reason to blush. We have long experience in developing, collecting, and interperting social statistics and other social data, and we have the technique to develop still better ones. The gathering of social data is an art that will ever improve, but it already has respectable status. And, program evaluation, while difficult and tenuous is being done and will improve. There is every reason to believe that program evaluation carried out by disciplined professionals will be better than the hip-shooting that is often practiced. If I were to make an argument against a Council of Social Advisors it would not be based on our inability to do these things. The methodology exists and is in use.

I would state that judged by the central core of what the Council of Social Advisors is being asked to do, as contrasted to what the CEA was supposed to do,—help run the economy—there is no clear reason to believe that the social disciplines are relatively less advanced than was economics at that time.

Every one of the tasks assigned to the Council (except one I will shortly mention) is something we are already doing with reasonable success. There is every reason to extend our sights, and from a technical and especially from a theoretical point of view our competence will always be stretched. If, however, the basis for deciding whether or not to go ahead is if we can already do a respectable job, then there is no technical reason for halting. Some specific things will be beyond our ability, and we should say so.

The exception I just referred to is under Section 103, c, 4, which instructs the Council "to develop priorities for programs . . ." etc. At least a portion of this task may be more the province of policy makers than of social advisors. The wording of the Act may be a trifle ambiguous on this point, but I do not see priority setting as a staff function. I will return to this later.

If, so far, I have seemed uncritically optimistic I would now like to consider the difficulties I see. They are formidable, and they are all of a practical nature. I recite them not to discourage so venturesome and promising an enterprise, but rather to generate a realistic set of exceptions so that the enterprise will be pushed with appropriate resolution and not be judged a failure for failing to run when it can scarcely be expected to have learned to crawl. The conclusion I will draw is that if we are ever going to undertake this task we might as well get started.

We already have a little history of social reporting to look back on. Almost forty years ago, under the Hoover Administration a group of scholars produced several volumes entitled *Recent Social Trends*. This report is still looked on with admiration. Those scholars had the time and resources and did an excellent job given the information available at that time. More recently, under the Johnson Administration, a prototype social report was produced under the title *Toward a Social Report*. Still more recently, the now defunct National Goals Research Staff produced a different kind of report, *Toward Balanced Growth*. Neither of these last two reports was greeted with resounding cheers. Both suffered from pressures of time and other resources.

Toward a Social Report is perhaps more instructive for our purposes. It is much more like the type of social report contemplated in this Act. It summarized trends in major areas of American life, documenting our successes and failures in meeting goals which are broadly shared. While it was modest in its scope, it certainly demonstrated that which there was no reason to contest, namely social reporting is possible.

To the discerning eye, *Toward a Social Report* documented the limitations of our present measures of social change both by what it said, and by what it did not say. It documented the wisdom of the present Act in specifying that one of the major tasks of the Council of Social Advisors should be to develop a system of social indicators—a topic to which I will shortly return.

Both of the recent reports teach me that it would be wise, or perhaps only realistic, to have modest expectations of the first few social reports. This modest expectation should in the first instance be a function of the fact that our data for tracking social change are not going to be suddenly better than those available to the drafters of *Toward a Social Report*. In the second instance, the job of simultaneously assembling and organizing a staff, launching some of the other tasks assigned to the Council and preparing a substantial first report will be insuperable. Finally, there will have to be considerable thought and perhaps some experimentation devoted to the form of the report. Social data that pertain to the dignity and decency of the lives of our citizens do not change as rapidly as do economic data. Whereas quarterly or even monthly variations in economic data are interesting, or even vital, interesting changes in non-economic social data are likely to occur only over a span of several years. There are a number of formats that might suggest themselves, but I call attention to this circumstance only because it is one of several reasons for expecting that early social reports may not reflect the full potential of social reporting as it might be done at a later date.

Having enjoined modesty of expectation for early social reports, I would now like to return to the topic of social indicators.

Since the passage of the Full Employment Act of 1946 we have made remarkable, though somewhat uneven, progress in the running of the economy. More recently it has been widely proclaimed from the President on down that economic growth for its own sake is not what we should value, and that an increase is GNP is not necessarily an increase in happiness. The phrase "quality of life" has become our newest, most popular, and least defined cliche. There seems to be a spreading consensus, both in the United States and in many countries abroad, that we should guide economic and social development more deliberately to serve man's values and aspirations. If we think in terms of the intent of the present Act, we should not be content that members of minority groups may be closing the income gap if this advance in economic status is not accompanied by an increased sense of personal dignity and worth.

If we are to implement what I perceive as a growing national consensus, we need, as the Senator has well obseryed, to increase "the quantity, quality, and visibility of information." While we already have many social statistics, many of these are inappropriate for what they purport to measure, and for many things we simply have no data. While we would reduce hunger, we do not know just who is hungry. While we would reduce crime, our knowledge of even how many crimes of what type are committed is highly imperfect. While we would improve the "quality of life" we do not know what our citizens value in their lives—except for such obvious things as not being hungry or breathing safe air.

Both of the two recent Presidents have encouraged not only social reporting but the development of social indicators, of better measures of social change.

In this Administration, the Office of Statistical Policy in the OMB has been given the task of reviewing statistical series to generate a regular report of those dimensions of the society that can measured *from existing data*. A first version of these series will be available for criticism toward the end of this year. However, as mentioned, it will be limited to data series already in us, and will certainly be marked by weaknesses and absences. Additionally, the National Science Foundation now has, as I understand it, two separate programs funding social indicators work. Part of this funding will be for the development of new measures of social change, including in so far as we can properly understand it, measures of the quality of life. Other funding will go to the development of better models of our social system so that we may make a better choice of what to measure and know better how to interpret what we observe.

Here and there new interesting series of Federal statistics are being inaugurated. It is reported that the Bureau of Census will conduct a regular sample survey to locate the victims of crime for purposes of getting a better assessment of various types of crime, and of the consequences of the crime for the victim. Pilot work here and in Britain with such so-called "victimization" surveys indicate that many classes of crime are markedly (but unevenly) underreported. Furthermore, the consequences of the crime to the victim are a matter of as much importance as the fact that a criminal has done something for which he may be sentenced. While there are technical limitations to such victimization surveys, they promise us another useful way of understanding the incidence and meaning of this crucial type of social pathology.

However, there is insofar as I can discern, no central guidance and stimulus to this effort. The proposed Council of Social Advisors would serve such a vital role. The development of such social indicators is crucial to the function of social reporting. These new social indicators in themselves give promise to change markedly the way in which we "keep score." This can be perhaps more concretely illustrated from the related, but somewhat different, revolution that is taking place in the evaluation of social programs. We have been accustomed to keep score on social programs by way of the inputs: number of dollars spent on medicine or education, doctor-patient ratio, teacher-student ratio, and the like. These inputs do not tell us what has

been done for the patient or for the student. The present movement is to develop measures of output, of performance. What effect has a medical or educational program had on the health of the patient or the condition of the student? This trend toward output measures has two profound consequences. It promises to increase the efficiency with which we allocate and use our resources by judging programs in terms of what they produce. It also will sharpen our sense of the human consequences of our programs. An urban renewal program will be judged not by the amount of money spent, or by the number of houses built, but by its effects on the lives of people.

These two related movements, the social indicators movement, and the new trend in program evaluation promise to convert the phrase "quality of life" from a popular cliche into an actual guiding principle of American society. While the full realization of this dream may never be realized, any step in this direction will be salutary. Again, as with the development of social reporting, we are dealing with a task with a long time horizon. Therefore, the sooner we get on with it, the better. There will be difficulties along the road, and the ideas will ebb and wane in popularity. It will be perhaps vital to have the assignment in the hands of an established statutory body for whom it is a main responsibility.

It should be noted that I have not used the terms "social accounts" or "social accounting" which the Senator and others have sometimes used. This is because these terms connote in many minds the aspiration or promise of a national social balance sheet comparable to the system of economic accounts. We are far from such a goal, and it may be unattainable in principle because we cannot reduce the varieties of human experience to a single yardstick such as the economists' dollar. I suspect that the use of the terms "social accounts" and "social accounting" has contributed to the tendency to judge progress in the other behavioral and social sciences according to criteria more applicable to economics.

An improved series of social indicators will not only permit the Council to do an improved job of social reporting, it will improve our general ability to evaluate social change and the state of the society as well as providing better information for Congressional and Executive decision making. While I have rejected the BASS Committee's notion that a decision on a Council of Social Advisors should wait on a privately developed social report, I do see merit in such a private report or reports as a complement to the work of the Council. Social reporting is saturated with political implications. And, social reporting from the Executive Office of the President, just as other reporting from that Office, will have to be done in the context of the programs and policies of the Administration in office. The annual social report will be in some sense a political document. This is not to deny its usefulness, but to acknowledge its inevitable limitations. However, the basic information on which the report will be based will be public property. Hence, the broader and the better informed the basis of criticism, the better will the nation be served.

I have spoken of two functions of the Council, social reporting and the development of social indicators. As long as Congress has legislated these functions and appropriated funds for the Council, and as long as the President has appointed a reasonable group of members of the Council, these functions are likely to be carried out. There may be variations from Administration to Administration in the extent to which the social report will be constrained by administration policy, and in the extent to which innovative series of social indicators are introduced. However, it is a good bet that these tasks will move forward. It would be a source of political embarrassment for any Administration to interfere too blatantly with these functions.

The other functions of the Council leave me with a feeling of somewhat greater uncertainty. They consist generally of supplying data, analysis, and presumably judgments to the President and the domestic council. The intent of these functions is conveyed by Senator Mondale in these words: ". . . it would provide the new domestic council with much of the information which that body will need to make its policy and program recommendations to the President."

I am amused by what I see as the reactions of both parties to this transaction. My guess is that the domestic council and other members of the official family would have the spectre of being deluged with gratuitous "advice" from a bunch of wild-eyed academicians. They miss the fact that there is ample power for them to ignore the whole business. On the side of the academicians and their non-academic representatives, there is the spectre of being asked the answers to cosmic questions for which they have no answer, or the enticing prospect of pontificating on issues on which I would regard them as only partially qualified. They miss the fact—both pessimists and optimists—that they may have trouble ever being listened to.

The more realistic estimate is that the "advisor" function will be long and torturous in developing. The policy personnel in the White House will have control over the situation. They will have the vital power I have just mentioned, the power to ignore. This situation is not peculiar to the office of the President of the United States. It is characteristic of the introduction of such staff functions in almost any organization. It is particularly accentuated when the staff function is imposed from without, as a Council legislated by the Congress is apt to be perceived.

With a not too unreasonable amount of bad luck, I can see the Council sitting up 17th Street in FOB 7 never being asked to contribute a thing. With good luck, I can see them in the EOB as welcome members of the official family, only to be moved back up 17th Street with the next Administration.

The point is that for the Council to achieve its full role it will take diplomacy, skill, opportunism, and luck. This is particularly true of the Council's role in setting priorities about which I raised a question earlier. I believe that the Council can make a technical and judgmental input into the largely political process of priority setting only after close rapport and working relationships have been worked out with other members of the official family. All these things can take their favorable toll only if the council has a long time horizon which will give it both patience and confidence. Again I reach the same conclusion. If we are going to do this thing, it is better to start it now, and with a realistic sense of expectations.

I know that Senator Mondale is thoroughly conversant with the history of the many other agencies the Congress has added to the Executive Office of the President, particularly in situations where the Administration was not initially enthusiastic about the addition. Such agencies have had to find their place and establish their usefulness over time. It would be well if the public, and particularly the behavioral and social science community, were aware of this.

In the meantime, with all of the considerations I have introduced, I am deeply committed to the Mondale-Javits Act, particularly if it is adopted with a legislative record that reflects the sort of time horizon and level of expectation about which I have been talking.

TESTIMONY IN SUPPORT OF THE FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES

(By N. J. Demerath, III)

It is a special privilege for me to testify before you today, Mr. Chairman, because it is an opportunity for me to thank you and your committee for your continuing effort and foresight in behalf of the social sciences and social policy. I say this not only for my colleagues, but also as a personal note. When I decided to take a perverse sabbatical from my professorship in Madison and assume my present post for two years, I did so not out of a masochistic yen for administration but rather out of a deep commitment to narrowing the gap between social science and social policy. Knowing of your similar commitment helped me to make that decision and has buoyed me since.

Actually this is a long-overdue expression of gratitude from a constituency which may have appeared ungrateful in the past. As you are well aware, the exciting prospects of an Annual Social Report, a Council of Social Advisors, and a Congressional Office of Goals and Priorities Analysis have met with an uneven reception among the nation's social scientists during the past several years. For a variety of reasons including feelings of scientific inadequacy and concern over scholarly identity, many have felt that such developments may constitute too much too soon and with potential set-backs over balancing potential gains.

Happily, I can now report that this mood of uncertainty has given way to greater confidence, indeed to a kind of restlessness to get on with the task of fulfilling our promise to the nation. During the past year I have discussed the matter with a great number of leading social scientists who have altered their views on the issue only recently. I think there are several reasons for this change, all of which constitute recommendations for moving ahead with the legislation without further delay.

Certainly one major factor in the change of mood is that social scientists are as sensitive as any other portion of the nation's informed and affected citizenry to the continuing blight of social problems and the continuing frustration in coping with them. There is no question but that the phrase "Full Opportunity" continues to be honored as much in the breach as in the observance. In some cases, the problems themselves have proliferated and worsened; in all cases, awareness of our pathologies have deepened considerably. Nowhere is this awareness more conspicuous than on university campuses where students and faculty both have lost a quality of innocence which may never be recaptured. As social scientists increasingly confront the dilemmas of the day in their classrooms and in their private lives, many have now come to feel that it is irresponsible to spurn the opportunity to use their expertise in dealing with the problems more directly.

In all of this, social scientists have given increased attention to the government's own actions concerning social policy. Of course, even a decision to make no decision on a problem is worth noting. Moreover, while social scientists have no illusions of offering panaceas, they are increasingly aware that the tasks of codifying pertinent information and framing policy alternatives must be done by someone, and it is now someone who is even less equipped to understand the many variables and complexities involved. The time has passed when we can ignore difficult chores in order to spare our collective pride from possible failure. And because there is so much to be learned if we are to contribute effectively, there is little excuse to delay the learning further.

And yet to admit to the responsibility is not to determine how it should be discharged. As you know, Mr. Chairman, in the past two years there have been several reports on the status of the social sciences and their relation to the Federal government which have concluded that we should make our first attempts at an Annual Social Report and a Council of Social Advisors on a private basis. The assumption was that private money would provide an opportunity to experiment in developing our capacities and

that we should wait until we are more seasoned before creating a new Federal structure and undertaking an annual report as required by statute.

Here too there have been recent changes of opinion. In talking with some of the key authors of these reports, I have learned that many are now persuaded that such a private venture is neither realistic nor efficient. It is unrealistic partly because foundation support which seemed abundant at the end of the 1960's is now in much shorter supply. Moreover, while several foundations might have reacted favorably to such projects two years ago, all are now more cautious in light of the Tax Reform Act and its constraints on foundation support of any policy-oriented activity.

But even if private support was more available and less fettered, social scientists are increasingly dissuaded from this approach on other grounds. One can question the efficiency of any experimental venture which offers inconclusive results, and this could very well apply here. If successful, one would wonder whether the success could be maintained once the activity was placed within the bureaucratic labyrinth of the Executive branch with all of the conflicting demands and expectations so common to the present Council of Economic Advisors. On the other hand, if the experiment were unsuccessful, might this not be for the lack of data and facilities which could only be available to an agency of the Federal government or because of the failure to attract the high-quality personnel more easily recruited once the activity is institutionalized as an important aspect of the governmental process?

There are, however, other reasons for supporting your proposal as against a private alternative, Mr. Chaiman. Social scientists, like those they study, are creatures of their habitat—in this case, the ivory tower. We have grown accustomed to the remove of the academic sidelines while at the same time we know all too little of the governmental process we now purport to aid. It is simply not enough to analyze the nation and its alternative courses at such a distance. The time has come when social scientists must be both allowed and encouraged to work within the government rather than outside of it. Personally I would favor an amendment to S. 5 providing for a temporary crash program of junior and senior internships to bring many social scientists into government agencies for, say, a one-year stint of service and learning. And yet I don't mean to be greedy; surely the creation of a Council of Social Advisors would be the most important single indication to my colleagues that the time is ripe to cultivate their utility by developing policy-pertinent career options as a complement to traditional academic employment. As you yourself have pointed out in earlier hearings, Mr. Chairman, the government has not given sufficient status to social science to attract first-rate scholars. While there are social scientists in Washington, with the exception of the economists, they tend to be either second-rate researchers or bureaucrats removed from their base disciplines. Of course, many of the nation's best social scientists do appear on advisory boards and review panels, but once again this role involves them as occasional outsiders rather than as staff members using their research skills to maximum advantage from the inside. While scholars can make important contributions as consultants, these are rare and tend to be little rewarded, seldom publicized, and generally unmonitored by their scientific peers. This suggests yet another advantage of a Council of Social Advisors, namely, exposing the knowledge and analysis of the social scientists involved to full public and scientific scrutiny. This, of course, is the way science has always operated at its best. To have second-rate scholars serving in a quasi-private fashion is hardly conducive to either social science or social policy.

But there is a final and most important reason for the change in view of many social scientists and for proceeding with the legislation as proposed. As I have already mentioned, many social scientists were convinced several years ago that our disciplines were not sufficiently developed to discharge the responsibilities entailed in a Council of Social Advisors and an Annual Social Report. In my judgment, such modesty was appropriate at that time, but fortunately, the social sciences have developed rapidly since. Indeed, I think it fair to say that we are well along with a methodological revolution that is producing greater rigor in handling more complex phenomena. I shall curb my natural tendency to pedantry here, but, in the case of sociology, this has involved the development of methodological techniques largely borrowed from econometrics which have ushered in a shift from static to dynamic and from descriptive to causal analysis. According to some, it is about time that we should move from social philosophy to real social science. Certainly, we are now in a far better position to analyze policy alternatives in light of more competent assessments of the reality at issue.

Nor has this methodological change occurred in a substantive vacuum. Indeed, it has partly emerged from our recent work on social indicators, the particular field in which it was felt that more experience was required. With the support of both private foundations and Federal agencies, the area has burgeoned in both aspirations and, I think, accomplishments. At the moment, for example, the Office of Management and the Budget has a major project underway, while the National Science Foundation has two funding programs with social indicators as their central thrust. Much of the same could be said concerning developments in the methodology of social experimentation and program evaluation.

The point in all of this is not that we are on the verge of generating a scientific elixir for the nation's ills or even that we are now to be compared favorably with the economists. Instead, I mean to suggest only that for the first time our best minds are at work on the problems at issue in the bill and we are prepared to take the next and most important step in putting our knowledge on the line and learning how to develop it further while putting it to greater use. This we can only learn by doing what the economists themselves did in 1946; namely, beginning with a sense of humility than hubris and beginning despite knowledge of our limitations. I think it is clear that the Council of Economic Advisors would never have been launched had it awaited a full demonstration of the competence it has since developed. I think it is equally clear that a Council of Social Advisors must begin now if it has to have anything substantial to offer in the future. Indeed, if lessons of the past are any guide to the future, our social policy can hardly suffer from the effort.

To mention the Council of Economic Advisors raises an issue which has recurred in past hearings concerning this legislation. As you well know, Mr. Chairman, there are those who feel that the social sciences would fare best by restricting their first steps to participation in an augmented Council of Economic Advisors. Certainly there would be advantages in such an arrangement, as pointed out for example in Mr. Califano's testimony last year. On balance, however, I agree with you concerning the greater wisdom of a separate Council of Social Advisors. This may be an organizational inconvenience to the President and an already heavily congested Executive Branch. But it would help to avoid possible dominance by the economists while allowing the social scientists to develop their own role and style without the contrivances of a temporary partnership. As many have pointed out, the two Councils would be quite distinct in their mandates and their performances. In my judgment, it is appropriate to recognize that difference from the start, realizing that the start of the new Council can hardly be as productive as the current performance of the experienced CEA.

In closing, Mr. Chairman, I think these hearings have made it abundantly clear that the gap between the social sciences and the Federal government has narrowed considerably in the past few years, owing in no small measure to the efforts of you and your committee. The day has apparently passed when one of my colleagues could be informed during similar testimony that the Congressman simply did not believe in sampling techniques and insisted on analyses of whole populations. I don't think he appreciated it when my colleague then asked impishly if, during a blood test, he demanded that all of his blood be removed. Now is clearly the time to take advantage of our mutual understanding and shared commitments. The nation's own lifeblood may be at issue.

STATEMENT OF SOL M. LINOWITZ, CHAIRMAN NATIONAL URBAN COALITION

Mr. Chairman, I welcome this opportunity to appear before your Committee. These hearings on the Full Opportunity and National Goals and Priorities Act represent an important part of the growing effort, both in and out of government, to discover more democratic and rational procedures for making public choices.

As this Committee is well aware, rational government decision-making is impossible without clearly stated national goals and priorities to guide resources allocation. And given the content of the legislation being considered here today, it is also clear you recognize that mere repetition of the need for new priorities is not enough. If rhetoric alone were sufficient to implement national goals and reorder priorities, federal spending patterns would have been altered radically half a decade ago when the clamor began for a major change in the way we allocate federal tax dollars.

As we all well know, the past five years have seen the call to "reorder priorities" become a kind of Pavlovian response to a recitation of the nation's social and economic ills.

Yet, as we also know, despite all the talk, very little has happened.

Instead of producing reordered priorities, the avalanche of talk has produced more talk.

Instead of becoming a guide to new public decision-making processes, the call for new priorities has become a fashionable cliche!

So the problem we face today is: How can we rescue this critical effort to reorder priorities and improve public choices from the rhetorical deadend into which it has stumbled?

It was in search of answers to this question that the National Urban Coalition, in the Spring of 1970, initiated a project never before attempted by a non-governmental organization. We undertook to construct a complete alternative federal budget offering careful estimates of the dimensions of national needs, the costs of alternative programs to respond to those needs, and the resources required to pay for them for each of the next five fiscal years.

Our principal purpose was to determine how resources would have to be reallocated, both within the federal budget and between the private and public sectors, to translate our goals and priorities into realistic and attainable federal policies and programs.

The final product of this year-long effort is the Counterbudget document before you, prepared by the staff of the National Urban Coalition after consultation with literally

hundreds of people and groups around the country.

In the process of conceiving and producing Counterbudget, we gained some insights into the requirements for moving from the desire for new goals and priorities to public action—insights that bear directly on the proposed Full Opportunity and National Goals and Priorities Act.

To begin with, if national goals are to serve as policy guides, they must be defined in terms of the public resources required to achieve them—not in the abstract. Simply cataloguing objectives such as the elimination of substandard housing, an end to hunger, and equal educational opportunity for all, without reference to the resources involved, results in nothing more than a "wish list"; a set of vague promises that raises expectation and eventually frustrations without providing answers to the difficult choices forced upon us by virtually unlimited public demands competing for very limited public resources.

Therefore, if future talk of new priorities is to serve as more than balm for social conscience, it must be applied to our single most important instrument for relating goals to scarce resources: the federal budget.

As the instrument through which public resources are allocated, the federal budget is the medium for setting national priorities—which is why the Coalition's blueprint for changing America's priorities is cast in the form of an alternative budget.

Next, we discovered that efficient allocation of public resources demands the application of a cost-benefit approach. By cost-benefit approach, I mean looking at the individual and social gains produced by alternative uses of federal resources.

Counterbudget sought to find a set of budget outlays which could move the United States farthest toward the national goals we had postulated. Comparing the benefits to be gained from spending scarce resources for a variety of purposes, it undertakes to allocate funds to those programs which promised *the largest marginal benefits per dollar invested.* That is, it is based on a comparison of the benefits produced by different uses of each additional tax dollar and seeks to invest that dollar in the program with the biggest payoff.

For example, extra spending for both institutional support for higher education and compensatory elementary and secondary school programs would be desirable if public resources were unlimited. However, in the world of limited federal revenue in which the budget exists, choices must be made.

Based on a careful review of existing social data and program evaluations in the field of education, as well as after extensive consultation with scores of experts, the *Counterbudget* staff concluded that dollars invested in compensatory elementary and secondary education would yield the higher return. And this conclusion is reflected in our alternative budget.

Stated as theory, the cost-benefit approach is simple and straightforward. However, when actually applied to the allocation of federal resources, it can become quite confusing.

In particular, certain ways of analyzing public problems persist that prevent a rational application of the cost-benefit concept.

First, there is the tendency to believe that just because a problem is massive, it necessarily ought to receive a major share of federal funds.

Programs—no matter how urgent the problems they seek to solve—often have a limited capacity to absorb resources. In the quest to discover a cancer cure, for example, the number of qualified, available scientists imposes an important constraint on the number of federal dollars that can be effectively invested.

No one would dispute the fact that the maintenance of an adequate system of national defense should remain a high priority. But this is not tantamount to stating, as one frequently hears, that "you can't have too much defense".

You clearly can have too much defense when scarce resources—which might have been used effectively in furthering health care—are committed in order to gain a doubtful additional military benefit.

Second, the use of the cost-benefit approach in public decision-making will mean that we stop confusing what goes into a program with what results from that program. In this view of the world a doubling of education expenditures is assumed to result in a school system that is twice as good.

Costs become benefits.

Every program succeeds by definition if it is fully funded.

In short, good intentions backed with enough money become the sole requisities for successful government programs.

Are we eliminating the damaging disparity in educational achievement between rich and poor children in this country? If costs are benefits, we must be. For we have been spending more than $1 billion a year since 1965 on compensatory education through Title I of the Elementary and Secondary Education Act.

Unfortunately, a careful look at how much Title I children are learning—as opposed to how much money we are spending on them—reveals that Title I is having virtually no measurable impact on the educational performance of the vast majority of the children it is serving. Accordingly, *Counterbudget* proposes a reconstituted Title I program in which federal funds are distributed and their effectiveness is appraised on the basis of actual student achievement.

Unless we devise and evaluate programs on the basis of their impact on people, the cost-benefit comparisons upon which efficient resource allocation depends will remain impossible.

Third, effective implementation of this will require an end to reliance on individual, uncoordinated programs to contribute to the solution of complex, interdependent social problems.

Programs relate to a single part of a system. Policy seeks to respond to the system in its entirety.

By advancing individual programs in the absence of any policy framework, we intervene in one part of a social system blind to important interrelationships between that part and the rest of the system. Oblivious to these interrelationships, our intervention more often than not results in unintended and undesirable consequences.

The problem is not that these isolated programs don't work. They do work. It is just that very often the unintended consequences cancel the avowed ones.

One good example of this phenomenon is the federal Interstate and Defense Highway program. Initiated with the limited objective of providing the nation with a better system of road transport, the program has had a profound impact on many metropolitan areas.

By failing to perceive highways as an integral part of an urban system, this program created and exacerbated a vast array of problems such as urban sprawl, shattered neighborhoods, and the shrinkage of center city tax bases—problems not nominally related to the objectives of the highway program and therefore no one's responsibility.

Furthermore, the failure to develop broad policies to coordinate public attacks on social problems makes it impossible to determine where resources should be invested for the largest return.

For example, one of *Counterbudget*'s goals was to ensure that every public school student enters the labor market with the capacity for self-support. At first glance this would seem to suggest a massive concentration of resources in vocational educational programs. However, a look at our education and manpower training systems as a whole reveals that success in today's economy demands the capacity to learn new tasks easily; and that most of an individual's capacity to learn is developed during the first five years of life.

Thus, it rapidly becomes clear that the largest gains towards making an individual employable result from investments in early childhood development—a conclusion which the Chairman of this committee already has drawn and is vigorously pursuing on a number of legislative fronts.

Finally—in addition to the importance of defining priorities in budgetary terms and the need to allocate resources with a cost-benefit approach—*Counterbudget* taught us that by spending federal tax dollars differently, we can produce a set of public policies and programs more responsive to the nation's needs than our current set; that the nation's priorities can be significantly reordered within the context of the realities of the federal budget and the American economy.

We discovered that, without a major increase in the share of the nation's income devoted to public spending, and with only a modest boost in the federal income-tax rate, we could, by 1975:

Establish an income maintenance program to raise all 24 million Americans currently trapped in poverty above the official poverty line;

End hunger with a food stamp program covering all impoverished families;

Create a National Health Insurance System that would finance basic medical care for every American;

Expand federal housing programs to attain a level of construction capable of replacing all substandard housing units in the U.S. by the end of the decade;

Develop new reading, math and career preparation programs in the elementary and secondary schools to ensure that no American enters the labor market without the capacity for self-support;

In summary, Mr. Chairman, our year-long experience with *Counterbudget* convinced us that talk of new national goals and priorities need not be empty or idle. Major changes in the way we allocate federal resources can produce major changes in the nature and character of our society and our relations with the rest of the world.

However, the job of attempting to reallocate resources rationally requires an enormous amount of information and analysis. In the preparation of *Counterbudget,* our staff consulted with more than 500 experts in and out of government. Seminars on particular problem areas such as health, education and equal opportunity were convened to provide the most current data and experiences.

The average Senator or Representative simply does not have the time or financial resources to replicate this process. Nor, in some instances, does Congress have the institutional capacity to utilize extensive data and analysis if they were available.

Enactment of S. 5, the Full Opportunity and National Goals and Priorities Act, would provide many of these resources and the capacity to use them efficiently.

At present, the Congress is forced by its fragmented committee system to pursue a "let's-see-what-we-gave-them-last-year-and-give-them-a-little-more-this-year" approach to the budget; an approach that precludes major resource reallocations by the legislative branch. The Congressional Office of Goals and Priorities created by S. 5 would provide Senators and Representatives with the means to analyze the budget as a whole for the first time.

Congress also lacks the ability to generate alternative federal budgets of its own; a condition which engenders Congressional dependence on the executive branch with re-

spect to the major contours of the budget and, hence, the shape of our priorities. The establishment of an Office of Goals and Priorities with the mandate and capacity to produce a variety of budgets from which to choose would end this unhealthy dependence.

Finally, Congress currently is compelled to operate without the social data required to choose rationally between alternative resource uses, to evaluate program effectiveness, and to formulate comprehensive public policy. The Council of Social Advisors and the annual Social Report of the President authorized in Title I of the Act would help to fill this information vacuum.

In other words, if Congress is serious about employing its constitutional power over the purse to reorder the nation's priorities, it could begin at no better place than with the passage of the Full Opportunity and National Goals and Priorities Act.

With the enactment of the Full Employment Act in 1946, America acknowledged that Adam Smith's "invisible hand" could not be relied on in a society as complex as ours to ensure the economic welfare of its citizens.

Passage of Goals and Priorities Act would constitute an equally historic acknowledgment. For the "invisible hand" implicit in our fragmented and haphazard approach to many social problems is no more effective than its economic counterpart; and must similarly be replaced with disciplined, informed planning if the social well-being of our citizens is to be secured.

CONSUMER CREDIT

Mr. TAFT. Mr. President, consumer credit continues to be an area of deep concern for all Americans viewing economic planning for the future.

Those of us with good memories will recall that, in the final hours of debate on the "Truth in Lending" bill Members of both the House and the Senate came to realize how little is really known about the intricate workings of the consumer credit system in this country. Indeed, the Congress discovered at that time that, never in our history, has our Nation done the kind of basic research on consumer credit that is essential to wise and prudent legislation. It was this paucity of reliable information that prompted the Congress to agree on two principles at that time: We agreed to limit "Truth in Lending" to the matter of disclosure; and we agreed to establish, on a bipartisan basis, the National Commission on Consumer Finance, whose duties—as defined by the act—are to "study and appraise the functioning and structure of the consumer finance industry, as well as consumer credit transactions generally," and to report to Congress on:

First. The adequacy of existing arrangements to provide consumer credit at reasonable rates;

Second. The adequacy of existing supervisory and regulatory mechanisms to protect the public from unfair practices, and insure the informed use of consumer credit;

Third. The desirability of Federal chartering of consumer finance companies, or other Federal regulatory measures.

I remind the Senate of these facts only because bills have already been introduced in both the House and the Senate—long before the Commission has developed the factual information that we agreed was essential to informed legislation. By various means, both bills would regulate the existing credit rate structure—asking the Congress to embark upon a course of action that we specifically, and quite recently, rejected.

I am reliably informed that the Commission is well along on its study of consumer credit and that it will meet its 1972 deadline. I am also told that research by the Commission up to now reinforces the need for added study. What has been learned to date is just how much we do not know about credit.

For example, we don't know what a law that limits the price of credit would do to the supply of credit. Would such a law make credit more or less available to consumers of low and marginal income?

We do not know whether a limit on the price of credit represents a real saving for our constituents or whether that consumer would wind up paying less for credit and more for the merchandise purchased.

We do not know what happens to people whose applications are rejected. Do they give up their desire to buy? Or, having been rejected by legitimate credit grantors, do they seek relief by turning to unscrupulous moneylenders who operate beyond the law?

Various of our States have now enacted laws regulating the price of credit. What has happened in these States? The laws differ widely. How do the results compare? Again, we do not know.

In short, there is almost nothing about credit that we do know for sure. We do not even know if a law which limits the price of credit would be a spur to our competitive system or whether such a law would make chaos of the existing and viable competitive relationships among retailers, banks, small loan companies, and other credit grantors.

My purpose in making this statement is not to suggest that the Congress close the books on credit legislation for all time. It may well be that additional legislation will be required. It is my purpose, however, to urge the Congress to act from knowledge and not from ignorance. Having established the National Commission on Consumer Finance, having spent the taxpayers' dollars to make sure we are acting in their interest, it seems to me we have no choice but to restrain our eagerness to legislate—at least until the facts are in hand in July 1972.

I would also remind the Senate of the dangers of whimsical tinkering with an economic force as intricate as credit. Our Nation is only now recovering from the economic downturn of 1970. Let us not imperil that recovery by needlessly hasty action.

CONCLUSION OF MORNING BUSINESS

Mr. PASTORE. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be closed.

The ACTING PRESIDENT pro tempore. Without objection, the period for the transaction of routine morning business is closed.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

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

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000; and

H.R. 2894. An act to incorporate the Paralyzed Veterans of America.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. GAMBRELL).

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

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

Mr. PASTORE. Mr. President, what is the pending matter now?

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Maryland has been withdrawn.

The pending business is S. 382. The pending question is on the Pastore substitute amendment, as amended.

AMENDMENTS NOS. 267 AND 280

Mr. MATHIAS. Mr. President, I call my amendments Nos. 267 and 280, and I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments will be stated.

The amendments were read as follows:

AMENDMENT NO. 267

On page 3, line 16, strike "(e)" and insert: "(f)".

On page 6, line 25, strike the closing quotation marks.

On page 6, after line 25, insert the following:

"(e) One who willfully and knowingly violate the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

On page 10, strike lines 1 through 3 and insert in lieu thereof:

"(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed $5,000 or imprisonment of not more than five years, or both."

AMENDMENT NO. 280

On page 20, strike lines 23 through 25 and insert in lieu thereof the following:

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Mr. MATHIAS. Mr. President, these two amendments are technical in nature. They deal with some of what we might call the fine points of the bill.

One of the provisions of the bill as written is to provide criminal penalties for violation, and the penalties are different for the broadcast and nonbroadcast media

The purpose of amendment No. 267 is to equalize the penalties as applied to the broadcast media and the nonbroadcast media. The amendment makes no other change in the bill except to put these two media in a state of equality.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. Mr. President, I have considered the amendment carefully. It will bring about a high performance of standards. It is a good amendment. I am willing to accept it.

Mr. MATHIAS. Mr. President, amendment No. 280 is a technical amendment that amends the definition of "state" in title III to conform to the definition of "State" in title II so that those who have to interpret this act can deal with a uniform definition.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. Mr. President, that is exactly true. This merely clarifies the definition of "State," which means "each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

I am perfectly willing to accept this amendment, as well.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. MATHIAS. I yield back my time.

Mr. PASTORE. I yield back my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments to be considered en bloc.

The amendments (No. 267 and No. 280) were agreed to.

Mr. MATHIAS. Mr. President, I send to the desk four amendments and I ask unanimous consent that they be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be considered en bloc. The amendments will be stated.

The amendments were read as follows:

On page 25, line 18, strike "in excess of $100" and insert in lieu thereof: "of $100 or more".

On page 27, line 9, strike the semicolon and the word "and" and insert in lieu thereof: "and a continuous reporting of their debts and obligations after the election at such periods as the Comptroller General may require until such debts and obligations are extinguished; and"

On page 21, line 14, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 21, line 23, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 22, line 3, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 25, line 13, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 26, line 6, after "addresses" insert the following: "(occupations and the principal places of business, if any)".

On page 26, line 19, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 26, line 25, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 13, line 3, insert after the word "regulations," the following: "and in the ordinary course of business".

On page 14, line 4, insert after the word "regulations," the following: "and in the ordinary course of business".

Mr. MATHIAS. Mr. President, I think the most significant of these amendments, the one with substance for the electoral process, is amendment No. 284, which requires the reporting of contributions of $100 or more. I think this is an important amendment because it gives confidence to the public that it is actually getting disclosure in a meaningful way.

The bill as written requires reporting of contributions in excess of $100 and, of course, that would exempt from reporting one of the most common devices that we know of, which is the $100 dinner. Whoever heard of a $10 dinner? It is perfectly true that these are arbitrary lines. It might be a $99 dinner, but the usual figure we see is the $100 dinner. So I think this amendment will show more than anything else the intent of the Senate to deal with election reform by requiring disclosures as to the $100 dinners to public view.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. The amendment is perfectly agreeable to the committee and to me, and I am willing to accept it, but from now on, as I said to the Senator, we will see the $99 dinner—$99.98 dinner.

Mr. MATHIAS. If I can observe to the Senator——

Mr. PASTORE. But the Senator is right. I hope he does not misunderstand me. I will buy the amendment.

Mr. MATHIAS. I was going to say that if the $99 dinner comes into vogue, at least it will be the first reduction in the cost of living for some time.

Mr. PASTORE. Well, I hope it breaks the inflationary spiral.

Mr. MATHIAS. Mr. President, amendment No. 286 requires that campaign debts remain on the books until they are extinguished. They cannot just drop out of sight and be forgotten. I think this is an important amendment, because the public has the right to know what happens to campaign debts, just as it has the right to know what happens to campaign assets.

Amendment No. 282 would require the insertion of the occupation and place of business of the contributor. This is a bit of exposure of the contributor's interest. I think it is important public business.

Finally, amendment No. 276 would exempt bank loans made in the ordinary course of the banking business from classification as contributions.

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

Mr. MATHIAS. I am happy to yield.

Mr. PASTORE. Here again I am perfectly willing to go along with this amendment. Of course, there are certain aspects that could be criticized. Where there is a very nominal debt, it means the committee would have to be in existence ad infinitum; but there may be cases where the debt is pretty large. That is what the Senator from Maryland is aiming at. This amendment would work out very well in that case. I am perfectly willing to accept it.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. MATHIAS. Mr. President, before I yield back my time, I ask unanimous consent that, in amendment 286, the words "Comptroller General" be changed to "Commission."

Mr. PASTORE. Mr. President, I have no objection. That should be done.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be so modified.

Do Senators yield back their time?

Mr. MATHIAS. I yield back my time.

Mr. PASTORE. I yield back my time.

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the amendments of the Senator from Maryland en bloc, as modified.

The amendments, as modified, were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I have an amendment, which I ask to have stated.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 11, line 15, strike "and 614" and insert in lieu thereof "614, and 615".

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a)(1) No person (other than a candidate or political committee) may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office. For purposes of this paragraph, a contribution shall be held and considered to have been made to such a candidate if it is paid to such candidate or his agent.

"(2) No such person may make contributions directly or indirectly to political committees in excess of an aggregate amount of $5,000 during any calendar year.

"(3) No candidate may receive contributions from, nor authorize expenditures by, political committees in connection with his campaign for nomination for election, and election, to Federal office in excess of an aggregate amount of $75,000 during any calendar year.

"(b)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'im-

mediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(c) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(d) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both."

On page 17, strike out the matter between lines 6 and 7 and insert in lieu thereof the following:

"608. Limitation on contributions and expenditures.";

Mr. PASTORE. Mr. President, the Senator from Maryland (Mr. MATHIAS) had to leave the Chamber temporarily. The Senator from Florida (Mr. CHILES) is here. I yield the floor.

Mr. CHILES. Mr. President, the amendment that was just read is the amendment that was offered by the Senator from Maryland (Mr. MATHIAS) and myself to place a limit on the amount of money that an individual can contribute to a campaign; also, to place a limit on the amount that a candidate can receive from one person.

I think, when we are dealing with the subject of campaign expenditures, if we are going to have a meaningful bill, in addition to putting a lid on the amount of money that a candidate can spend, we must address ourselves to the amount of money that we are going to allow an individual to give to a campaign and the amount of money we are going to have a candidate receive from an individual.

What we are really trying to do when we put a lid on expenditures is work toward getting some public confidence into the elective process. If one wants to assume that every candidate is absolutely honest, that he is not going to be swayed by the amount of any money contributed, then there is no reason for any limitation to start with.

In many instances that can be true, but I think what we are trying to do, in addition to putting a limit on spending, is to restore some public confidence on the part of the people. The people cannot understand, today, why a candidate receives $25,000 or $250,000 from one individual, and they cannot understand how a candidate is not going to be influenced by receiving that amount of money. I cannot understand it either. If you receive that kind of money, there does not have to be any quid pro quo offered; there does not have to be any bargain struck, but from the day you take that kind of money from a contributor, you put the screw in yourself if you are running for office, because all that man has to do is look at you some time in the future and say "This is important to me" or "That means something to me," and then you are going to feel the responsibility and the debt that you owe, because you have accepted that kind of money.

We are trying to provide that $5,000 is the maximum amount of money that an individual contributor should give or that an individual candidate should receive from a contributor. As we look around this country today, we do not find many people who can make a $5,000 gift; but if we look at the campaign contributions, we find that many people made gifts amounting to more than that; and we also find that those people who gave more than $5,000 had an interest, in many instances a vital interest, in what was going on and in what they were seeking.

I have some experience with campaign contribution money. When I wanted to seek the office of U.S. Senator, most people said I could not even run for that office, because I did not have the ability to raise a war chest and get the kind of money that I would need.

I found I was in a campaign in which one candidate spent $450,000 of his own money in the first primary. All he had to do was write a check. I believe some kind of limitation on that is needed; because, for example, we have court cases which have held that if a candidate has only so much money to spend for qualifying, you cannot raise the qualifying fee to the point where you would be able to put him out of reach of qualifying for that office. But you are doing the same thing if you allow one candidate to spend his own personal wealth, as opposed to another candidate who is without such success.

I do not think we want to build into our offices the requirement that you have to be wealthy in order to seek the office of U.S. Senator or Governor or Representative. I do not think that should be a qualification, that you have to have large individual wealth. So this would be a limitation that a candidate for President could spend only $50,000 of his own money, a candidate for U.S. Senator could spend $35,000, and a candidate for Representative could spend $25,000.

I think that is an important limitation. It is most important, I think, that we put some curbs on the amount of money that an individual can give and the amount of money that a person individually can take from a contributor. I think that is important to restore public confidence. I think it is fine, if we are really dealing seriously with a campaign expenditure bill. We are just dealing with one little phase of it, if we are going to put a total limit on the amount one can spend, but do not put any limit on the individual contribution, because what we are concerned with is how a candidate is influenced.

Mr. PASTORE. Mr. President, will the Senator yield for several questions?

Mr. CHILES. I yield.

Mr. PASTORE. I think we ought to show in the RECORD exactly what this amendment would do, so that those who vote on it will know exactly what they are doing.

As I understand the Senator's amendment, one can give only to the extent of $5,000 to any candidate personally; is that correct?

Mr. CHILES. That is correct.

Mr. PASTORE. And one can give that $5,000 to as many candidates as he chooses, personally, is that correct?

Mr. CHILES. Individually, in their names.

Mr. PASTORE. In their names.

Mr. CHILES. Yes.

Mr. PASTORE. But if you do give to a committeee, then all you can give is $5,000 maximum, period. In other words, you cannot give $5,000 to the committee of one candidate, $5,000 to the committee of another candidate, and $5,000 to the committee of a third candidate. Do I understand that to be the correct interpretation of the Senator's amendment?

Mr. CHILES. That is correct.

Mr. PASTORE. I mean, I would like the record to show that.

Mr. CHILES. Yes; whether you give to one committee or a series of committees, you can give only $5,000 through the committee system.

Mr. PASTORE. In other words, if, in a State, there were, let us say, 25 Representatives running for office, and two Senators—or there would be one Senator because they would not be running together unless there were a vacancy—and each of them had a committee, that would formulate 26 committees, would it not?

Mr. CHILES. Yes.

Mr. PASTORE. According to the interpretation of the Senator's amendment, the top amount one could spread out to those 26 committees would be $5,000?

Mr. CHILES. That is correct.

Mr. PASTORE. In its entirety?

Mr. CHILES. Yes.

Mr. PASTORE. I just wanted the record to show that, so that everyone will understand this amendment.

Mr. CHILES. Yes. But one contributor could give $5,000 to each one of those candidates individually.

Mr. PASTORE. That is right; but he would have to make it as a personal contribution to an individual.

Mr. CHILES. That is right. The public, therefore, would be informed of who was giving it and who was getting it, and that would stop some of this proliferation of having the committee really hiding, through the committee, who is making the gift and who is ultimately receiving it.

Mr. PASTORE. I understand. I just wanted to clarify that, so we would all understand.

Mr. CANNON. Mr. President, will the Senator yield further?

Mr. CHILES. I yield.

Mr. CANNON. Does the Senator's interpretation, then, also mean that this includes national committees as well as committees for a particular candidate? For example, would a man be able to make only a total $5,000 contribution to the political committee for Chiles, the political committee for Jones, and the National Democratic Committee or the National Republican Committee? And some of them do contribute to both.

Mr. CHILES. Yes.

Mr. CANNON. $5,000 would be the total?

Mr. CHILES. Yes.

Mr. CANNON. I must say that I find the Senator's proposal quite unrealistic. The committee has considered these matters over the years, and I must say that, without exception, the testimony before the committees by both of the political parties, by people who have considerable expertise in the field, was

opposed to this type of amendment—not only the limitation on the committees, but the limitation on the candidates.

I have for years been trying to get out an election reform bill that was meaningful, and we came to the conclusion, after our hearings, that such a limitation was not only not meaningful, but perhaps was in violation of constitutional rights; and Assistant Attorney General Kleindienst testified before my committee to that effect, that he had grave doubts about the constitutionality of such a proposal and would recommend against it.

Though I do not recall precisely, in our last series of hearings I do not believe there was a solitary witness who did not testify against this sort of proposal, but rather favored the proposal of complete and full disclosure, leaving it up to the public to make their judgments based on the available information as to what the contributions are, and by whom and to whom.

I shall verify, before the discussion on the bill is concluded, whether there were any witnesses who testified in favor of that proposition.

Mr. CHILES. I appeared before the Senator from Rhode Island and his committee.

Mr. PASTORE. Mr. President, may we have order? There is a rumbling going on here; we cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHILES. I certainly spoke for having an individual limitation in that testimony.

I can see where perhaps the national committee of the Republicans and the national committee of the Democrats would be against this proposal, because they like to take contributions this way. It is a good way to get people to give so that their names are not disclosed. But I think the people of the country are entitled to know. I think they are entitled to have a limitation, and if we say that all you have to do is have a fair disclosure, then we do not even need the upper ceiling that we are putting on. And if we can put on an upper ceiling, for the life of me I do not understand why we cannot put on an individual ceiling.

My State has an individual ceiling on the amount a candidate can receive and a contributor can give, and that has been tested in the courts of my State and upheld. I do not have any great concern as to the constitutionality of placing a limit on what a person can give.

Mr. CANNON. When the Senator says "upper ceiling" I do not know what he refers to, unless he is referring to the amount a person can spend on radio or TV.

Mr. CHILES. I am talking about the total ceiling imposed by this bill.

Mr. CANNON. There is not a total ceiling now. That, we found, did not work. Ever since the law has been enacted, we have had a ceiling on the amount that a candidate could spend, so we have had the proliferation of committees. We are trying to get around that, because we found that that did not work and it is unrealistic, and we are trying to get to something that is more meaningful.

When the Deputy Attorney General testified before our committee, I queried him about a limitation. He said:

Yes; I know that, Senator.

This view is also supported by the 1970 report of the Twentieth Century Fund Task Force on financing congressional campaigns (electing Congress—the financial dilemma). Given full contributions disclosure during a campaign, we think the voter is capable of safeguarding the integrity of the election process. The reporting and disclosure provisions of the bill are adequate to permit contribution limitations to be set at the ballot box.

He went on further:

A further, and not insubstantial, argument against an individual campaign contribution limitation is the fact that this approach to the problem may be unconstitutional. In his testimony on this bill before the Senate Commerce Committee, Prof. Ralph Winter of Yale Law School expressed the view that a limitation on individual campaign contributions violates the first amendment. The Supreme Court, of course, has not yet ruled on this question.

He continued at considerable length.

As I have said, he and the other witnesses who testified before my committee opposed any limitations, for the reasons I have stated. Frankly, they convinced me, even though I initially did vote for a $5,000 limitation on contributions, and I was convinced in the course of the hearings; and I will have to oppose the proposal of the Senator.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SCOTT. I yield myself 5 minutes on the bill.

Mr. President, I began with the same theory in discussing, over a period of years, how best to secure campaign reform; and I began with the theory that the obvious thing to do is to impose limitations on the candidates. I had no objection, and I still have no objection, to imposing limitations on contributions by candidates to their own campaign—the so-called rich man's amendment. But I question seriously the efficacy of the limitation on contributions to candidates by others.

One reason why I question it is that, as my staff went into the consideration of a bill, we discovered that almost all the academic experts on this matter—the professors of political science, agencies such as the Committee for an Effective Congress, and others who have long been interested in campaign reform—said that the way to do it is to have some very tough provisions, to safeguard the right of the public to know, to administer the law by an independent agency, and to limit the overall amounts which can be spent in a campaign—for example, through the media. The bill does all these things.

But it would seem to me to be in contravention of the approach already approved by many civic and public and nonpartisan agencies—they are all quoted in the hearings—for us to reverse the trend and attach a limitation and then wait for the inevitable evasions of the limitation, because they are easily evaded.

With respect to the limitation of $5,000 by an individual, all he has to do is to get a brother-in-law, who is not related to him. He puts up $5,000. Then his second cousin's wife puts up $5,000, and somebody else puts up $5,000, and the law becomes a shambles and a mockery.

What we are trying to do here is to get a law that will work. I want a law that will work and through which a team of mules cannot be driven, a law which would not take a Philadelphia lawyer to interpret. I am a Philadelphia lawyer, but I would not want to interpret the evasions of this bill.

So I hope we can put together a bill which the other body can accept with reasonable cheerfulness, and that we can avoid reversing our wheels when we are about two-thirds through toward passage.

I am for the reform bill, and I am for the various features we have been discussing as we have gone along. Some of the amendments have clearly strengthened the bill and improved the possibility of effective enforcement. This will not. This is an open invitation to evasion. Instead of having a large number of committees, as we do now, to evade the present laws, we will just have a large number of friends and relatives and people who are willing to lend their name and go ahead and make a donation in their name.

Every one of us in Congress knows what is wrong with the election laws. What is wrong with them is that they are not being observed, they are not being enforced, and they are being wilfully evaded, and the evasions are so widespread that there is no chance of enforcement. Let us try legislation that works. The proposed legislation has an independent agency. It has overall limitations on expenditures which, in my opinion, are a little too tight, but perhaps that is all right. It has tough reporting provisions, and that is all right. It has instructions to the regulative agencies to come up with some rules and regulations to keep people from running a campaign on other people's money and not paying them back, particularly presidential candidates, who are notably bad credit risks for the most part.

I would not lend a presidential candidate a wooden nickel. But that is because I have been in politics long enough to understand about presidential candidates. They have to get their advertising somehow. They will travel and let the airlines pay for it if we do not do something about it. They will let Ma Bell's burden become ever greater if we do not do something about it.

So we can have a bill, and a good one, but I do not think we ought to have campaign limitations of this type, which is the prohibition of putting more than a given amount of money into a campaign by an individual. Yes, let the rich man be limited. Let the man be limited who should not try to buy public office by putting in $150,000 or $500,000 of his own money. But let us not limit the right of any individual—it is of doubtful constitutionality, anyway—to help another person run for public office. If he is limited, he will find another way to do it.

Mr. President, I think this amendment should be rejected.

Mr. PASTORE. Mr. President, I think this was one of the most controversial parts of the bill and the one problem that we had to wrestle with the most.

I am one of those who feel that there should be some kind of limitation. If we adopt the theory here that the sky is the limit, I am afraid that we can get into some scandalous situations. On the other hand, we have to be pretty careful what we do, because we may stymie the whole process of democratic elections.

Under this amendment, as it is presently drawn, it is my understanding that an individual who gave, let us say, $3,000 to one of my committees could give the national committee only $2,000, or if he gave my committee $5,000, he could not give anything to the national committee. Let us face it. It will take millions in the electronic media alone to run a presidential campaign. We have to raise the money. That is what puzzles me about this amendment. But we have to find an answer to the problem. When it comes to giving a contribution to one running for the Senate or Congress, frankly, I think that $5,000 from any one individual to that candidate is sufficient. Then we have to go around and get enough people to make a contribution, so that we can fit it into the ceiling as prescribed under the law. When we get into the question of committees, we do not find too much trouble with this interchangeability of the committees for various candidates running for Federal office, outside of the office of the President and Vice President. There, I am afraid, we do meet an unrealistic situation.

Mr. SYMINGTON. Mr. President, will the Senator from Rhode Island yield to me briefly?

Mr. PASTORE. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. It is necessary for me to go to a markup, but I would simply tell the able senior Senator from Rhode Island and present to him the fact that I believe there is great merit in this amendment, based on the personal experience I had in the last campaign. I will make a talk on that, if the able Senator will give me some time later on, and go into a little detail as to why I think, based on my actual experience, that this is a very important amendment.

Mr. PASTORE. Well, we may be disposing of this amendment this morning. I want to remark that to the Senator from Missouri. I also want to say to him that I am in accord with what he says, because he had a problem, where a wealthy person stated that no matter what it cost him, he was going to get his son elected to the Senate. That is one of the scandals I have been talking about. So that I think there should be a limitation on how much an individual can contribute to his own campaign so that he does not smother someone else, who has to go about scrounging for funds. What bothers me is: What are we going to do about our national committees?

Mr. SYMINGTON. If the Senator from Rhode Island would yield further for an observation, I understand that the amendment will be debated. I will be back here for the vote. The only reason I am taking the time of the distinguished Senator right now is that I heartily endorse the amendment and would hope that the Senate would agree to it.

Mr. PASTORE. Well, I realize that——

Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. CANNON. Mr. President, if the Senator will yield, let me say that I regret the Senator from Missouri will not be in the Chamber to hear this debate on the pending amendment, because the arguments against it, I think, are overwhelming. A number of other people who have testified with expertise in this field are adamantly opposed to the amendment.

Let me say that I started out favoring the initial concept and——

Mr. SCOTT. So did I.

Mr. CANNON (continuing). But after hearing the testimony at great length, and going into the matter thoroughly, I have completely changed my position and I am adamantly opposed to it. I am sorry that the Senator will not be here.

Mr. SYMINGTON. I am very much impressed with what my good friend from Nevada, for whom I have the greatest respect and admiration, says. He knows more about it than I do. But, from what I heard of the amendment, and based on what my staff's analysis of it was, I felt it was important for me to take this position, based on my own experience.

Mr. BAKER. Mr. President, will the Senator from Rhode Island yield me some time?

Mr. PASTORE. Mr. President, how much time do we have on this?

The ACTING PRESIDENT pro tempore. The Senator from Florida has 1 minute remaining, and the Senator from Rhode Island has 11 minutes remaining on the amendment.

Mr. SCOTT. Mr. President, I yield the Senator from Tennessee 10 minutes on the bill, if I have the time.

Mr. BAKER. I am not particular whose time I speak on. Five minutes?

Mr. SCOTT. I yield 5 minutes to the Senator on the amendment if necessary, or on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. I thank the distinguished minority leader.

Mr. President, I have always felt that there should be a limitation on the amount that a candidate may contribute to his campaign, or on the amount that is contributed to his campaign by his family. That is a unique and special circumstance. I, too, started out, as did the distinguished minority leader, favoring a limitation on the amount any person could contribute to a political campaign. As a result of consideration of this matter in the Commerce Committee, and in the Subcommittee on Communications, as well as the diligent inquiry which was made by the Senate Committee on Rules and Administration before which I had the privilege of testifying, all of us came away with less certainty, thinking a little less ferociously about the matter than we did before the inquiry had started.

I am not convinced that there is a practical way to limit the amount of an individual contribution but I am sure, on the other hand, that if we are going to have a limitation on third-party contributions, it will have to be realistic. As the distinguished minority leader has pointed out, if it is not, then it is an open invitation to evasion and grievous injury will be done to a brand new bill. There is far more good in the bill than there is bad, but I would say that the effect of this effort would be to distort it by placing an unrealistic ceiling on third-party contributions.

I think that a distinction should be made between a limitation on the amount that a candidate and his immediate family may contribute to his own campaign and a limitation on contributions by third parties to his campaign. There should not, in my opinion, be a limitation on third party contributions. The limitation, if there is one, should apply to a candidate and his immediate family.

With those prefatory remarks out of the way, Mr. President, I should like to ask the distinguished junior Senator from Florida (Mr. CHILES) a question or two with regard to the amendment, which will help to clarify its import in my mind.

Is it fair to say to the distinguished junior Senator from Florida that the effect of the bill—and I am referring now to section 203–A1—is to limit to $5,000 the amount that a third party can contribute to a candidate or a committee?

Mr. CHILES. That is not exactly correct. Under this, he could contribute $5,000 to the candidate. He could also contribute $5,000 to a committee or a series of committees. So, in effect, he could contribute $10,000, if he wanted to.

Mr. BAKER. That is the point I wanted to try to reach. Is there a limitation on the number of committees to which a $5,000 contribution could be made?

Mr. CHILES. On the committee section, in the amendment, the way it is now drawn, there would be a $5,000 limitation on a committee or committees.

Mr. BAKER. So that on the aggregate limitation of $5,000 on committees—and I came in after debate had begun, so the Senator will have to bear with me for a moment if I ask a question which has been already covered—is there a distinction between campaign money for a particular candidate and either the Democratic or Republican National Committees?

Mr. CHILES. Not the way this is drawn.

Mr. BAKER. Is there a distinction between the candidate himself and the Democrat and Republican senatorial campaign committees?

Mr. CHILES. No.

Mr. BAKER. Is there a limitation that would apply to the candidate and all committees regardless of their nature and scope? May I ask, then, do I read subsection 3 on page 2 correctly when I surmise that no single committee can contribute more than $75,000, but there is no limitation on the number of committees that can contribute $75,000?

Mr. CHILES. No, sir. Subsection 3 puts a limit on the candidate. It says that the

candidate shall not receive from the committee or accumulation of committees more than $75,000 from the committee method. The rest of the contributions he would receive from individual contributions.

Mr. BAKER. Is that not, then, an effective limitation on the amount of money a candidate can spend when we combine that with the limitation the individual can spend?

Mr. CHILES. No.

Mr. BAKER. Have we not unintentionally limited the total amount the candidate can spend to $75,000 plus $50,000 that he can spend on his own behalf?

Mr. CHILES. No; because he can then receive individual contributions for any other amount. This is saying how much he will receive via the committee method.

Mr. BAKER. So, in effect, what we are doing is raising the options to three sources, that is, all committees in the aggregate can contribute $75,000. The candidate may contribute, if he is running for the Senate, $35,000 of his own funds, or those of his immediate family, and then he may receive individual contributions to take up the balance to the expenditure maximum, if he intends to spend the maximum, from personal contributions. Is that correct?

Mr. CHILES. I missed the Senator's question.

Mr. BAKER. Aside from the aggregate total of $75,000 from all committees, and in the case of a race for the Senate, $35,000 from his own funds or those of his immediate family, the balance of the funds, if he chooses to spend the funds that we allow in other sections of the bill, would have to be raised by individual contributions.

Mr. CHILES. Correct.

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

Mr. BAKER. I yield.

Mr. CANNON. The Senator has very well pointed out many of the problems that exist in this amendment. Actually, it is being retrogressive rather than directly making this a meaningful election reform bill.

This would take us back beyond even the present law which we found to be completely unworkable and completely unrealistic. For instance, the present law contains the maximum of $5,000 contribution that a person can make. So he can make contributions to a lot of different committees. This would restrict it so that he could only contribute $5,000 to all of the committees together.

On the other hand, a candidate for the Senate can spend $25,000, or whatever the figure is, under the present law. It is somewhat different. But here we are saying that the committees can all pay money over to him from all committee sources, but that he can only raise $75,000. And he can only spend $35,000 of his own money.

There is no prohibition against committees going out and spending. We are leaving a loophole big enough to drive a truck through in that form if we are going to try to impose restrictions. This is the answer. We finally came to the conclusion that the best way to go about it was to go about getting a full disclosure.

There are so many ways we can get around the practicalities of what has to exist if the campaign is to be run properly.

Mr. BAKER. Mr. President, I commend the Senator from Nevada for his perception of the whole issue. As I conceive it, we are trying to move away from an unworkable bill which has failed to accomplish its purposes in the past elections. This bill threatens to put us back in the position we were in before.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 2 additional minutes on the bill to the Senator.

Mr. BAKER. Mr. President, I thank the minority leader. I feel that if there is a limitation at all, it applies in two different ways that an individual can contribute to the candidates. I think there are two different situations. However, after having considered every effect of this that could be brought to my attention or that I was aware of, I finally concluded, and reluctantly, that it was physically impossible to have a workable limitation on individual contributions. If the Mathias amendment relates to the candidate's own efforts, I think that would be related in a new amendment.

I do not feel that this is the right approach, and I will vote against it.

Mr. CANNON. Mr. President, on that point, concerning the limitation, a candidate to the office of Senator would be able to spend $35,000 of his own money. We do not put any limitation on the amount he can spend in a campaign.

We say that if a candidate has money, he can only spend $35,000 of his own money. However, he has to spend half of the time necessary to run a campaign trying to raise money from friends, to the extent of $5,000 each. If we are going to let a man spend $100,000, is it any worse if he spends it from his own money or spends it as a result of solicitations through the mail and the collection of contributions in the amount of $1 or $5?

Mr. BAKER. Mr. President, there is a point that relates to this, and that is that those who are rich have very rich friends and it would be very easy to get such contributions. And we would have a valid campaign.

Mr. PASTORE. Mr. President, I yield myself time from my own time.

The thing that bothers the Senator from Rhode Island is this: Let us assume that the President can spend $6 million. Does not the Senator think it would be improper for him to, let us say, collect $1 million from six different people to finance his campaign? Does the Senator not think that smacks of scandal?

Mr. BAKER. I think it would if it were concealed from the public.

Mr. PASTORE. Even if it were disclosed that an individual was putting up $1 million toward the election of the President, I would be wondering what position as ambassador to what country he would pick.

Mr. BAKER. Mr. President, I point out to the Senator from Rhode Island that if any such situation as the Senator visualizes were to occur with a Republican candidate, the Senator from Rhode Island would make exactly the same speech he has made now in a public forum. And it would be very damaging indeed.

Mr. PASTORE. Mr. President, I want to say, and I hope I am not being accused of plagiarism, that in discussing the bill, the Senator came up with a solution that I thought was rather practical. What he said was that any individual could contribute to any candidates for different offices. I think one office involved the Presidency, and I think the Senator said an individual could contribute $25,000. He also said that he could contribute $15,000 to a senatorial race and $10,000 to a congressional race.

I do not see why anyone, unless they have an angle, wants to contribute more than $15,000 to a senatorial campaign—unless it happens to be a wife who loves the candidate very much.

Mr. BAKER. Mr. President, the Senator from Rhode Island recalls correctly. As I said in my earlier remarks on the floor today, throughout the process of the consideration of this bill in the Commerce Committee under the leadership of the Senator from Rhode Island and in the Committee on Rules and Administration, before which committee I testified, we had three sets of opinions on this.

I finally came to the reluctant conclusion that I hold now: that the thrust of this effort must be to have a workable bill and that this amendment leads us away from that direction.

Mr. CANNON. Mr. President, the Senator from Rhode Island raises a very good point. The Attorney General got into that matter. We could find questions involved if we imposed a limitation. A person could make the amount of that contribution and, on the other hand, turn around and make a contribution to political committees, to a county committee, to a State committee, and to a national committee. They in turn could spend the money for the candidates.

This could lead inadvertently to a violation of the law, as the Attorney General pointed out in his testimony. Therefore, we could have a man violating the law on the matter of the limitation we impose. On the other hand, he could contribute money to respective committees that in turn spend funds for the same candidate.

The point the Senator from Rhode Island made was about the tremendous contributions that were made. This information is made public today. I am sure the Senator will recall the situation. It was given notoriety in the newspapers and concerned the tremendous amount of contributions made during the last election. But what was bad about that? The bad feature was that the publicity occurred long after the election was over.

We have tried to get at that matter. We have set the reportings we require in the bill so that they will make the information available to the public and the

public can make an informed judgment as to whether it constitutes an undue influence.

We saw an example of this with relation to 16 ambassadors, I think, that were appointed who were big contributors to the party. That is not unusual. It consistently happens. However, the point is that the public knows the amount of the contributions before the election and they can make an informed judgment and make a decision. However, certainly when we do not learn these facts until long after the election, there is not any opportunity for the public to be informed in any way.

Mr. BAKER. I agree with the Senator from Nevada. I think he is right.

Mr. PASTORE. Mr. President, there is this to be said about the bill. Subsidies have a ceiling, and the spending restriction is very tough and, I might add, brutal on disclosures. There is no question about that. But the thing that bothers me is that I do not like the idea that the sky is the limit.

Mr. SCOTT. Mr. President, would the Senator agree that the amendment is not exactly the way it should be?

Mr. PASTORE. The amendment is faulty in several respects. There is no question about that. Whether we can reach some kind of a solution on this matter, I do not know. However, this question comes under the jurisdiction of the Senator from Nevada, who has gone into this matter thoroughly, even more so than we did on our committee, because we did not have primary or original jurisdiction with respect to the question.

Mr. CANNON. Mr. President, we have come a long way now in trying to get election reform. We have gone up the hill and down the hill in past years and we have not been able to get it through. We have an opportunity here at this time to take a step forward. I would hope that we do not try to take so many steps forward at the same time that we fall flat on our faces in the process.

Let us try to get a bill that is meaningful from the standpoint of the election reform and let the public know what is happening. Let us see if we cannot move along and make progress in this field, progress that is long overdue. Then, if we need to make changes as time goes on, we can do it. But let us not kill the bill by trying to get in everything that everybody wants. There are many things that I wanted. But I have changed my thinking in order to try to get a bill.

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I agree we should not kill this bill with kindness. What happened here is that the Committee on Commerce considered this measure at great length and with a good deal of expertise available. There were many witnesses over the years.

The Committee on Rules and Administration also considered the bill most carefully. Many Senators have worked on this bill.

In the course of working on it, a number of Senators, including several of us who have spoken, began with the idea that the way to pass a reform bill was to limit campaign expenditures. We discovered, and we were supported in testimony by nearly all who testified, that the way to reform campaign expenditures is through disclosure and an overall limitation on how much is spent in various ways, so that the public knows how much is being spent, who is spending it, why it is being spent, and where it is being spent.

The amendment process here often involves the submission of amendments, motivated by the greatest of good will, but submitted by Senators who have not heard the testimony, who have not gone through the process of changing their minds as they have heard the witnesses, and who have the same ideas now which the Senators on these two committees began with and rejected.

Mr. President, here is what the Committee on Rules and Administration said on page 121 of the committee report:

> The committee carefully examined the desirability of having a limitation on individual contributions. The committee rejected placing a limitation on individual contributions for three reasons:

I especially emphasize the first reason; I mentioned it before:

> (1) Such a limitation probably is unconstitutional;
>
> (2) Such a limitation is completely unworkable; and
>
> (3) Full disclosure makes such a limitation unnecessary.
>
> Prof. Ralph Winter, of Yale Law School, stated the following:
>
> "It is my judgment that the first amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown."
>
> Even if such a limitation were constitutional, it clearly would be unworkable. Section 204 of S. 382 as originally introduced, would have limited individual contributions to an aggregate amount of $5,000, whether given directly or indirectly to a political candidate. Not only would the $5,000 limitation have invited evasion of the law—

I already mentioned that.

> by encouraging backroom cash contributions but also it would have created a situation whereby both the contributor and the candidate could have inadvertently violated the law. Such a situation would arise whenever an individual gave $5,000 to a particular candidate and any additional money to an organization or committee which in turn made any contribution to the same candidate. Deputy Attorney General Richard G. Kleindienst in testifying before the committee succinctly summed up the problem:
>
> "Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor."

So, Mr. President, you can go to jail without meaning to do so, or you can go to jail without violating the law, or you can go to jail because somebody takes part of your contribution and applies it in a way you did not know about or did not intend.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 5 additional minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I continue to quote the statement of Deputy Attorney General Richard G. Kleindienst, which appears on page 122 of the committee report:

> In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.
>
> Moreover, it was recognized that full and compete disclosure really solves the problem of large contributions. Under the new disclosure provisions contained in title II the public will know exactly how a candidate's campaign is financed. Since the disclosure provisions require reports 15 days and 5 days before an election, the voter will be in a position to make a judgement at the polls concerning the effect of large individual contributions to a political candidate.

Mr. President, this well-intentioned amendment serves only the purpose of creating a question of constitutionality in connection with an important part of the bill. Not only that, but it also raises questions of concurrence in the other body; it reverses the processes on which the bill is predicated, the process of disclosure and total limitation of expenditures through the media; it is unworkable, and, as the Deputy Attorney General said, it is unenforceable.

Mr. President, I do not know how many more faults one can find in an amendment. Then, it is said that it is against the law, that it could not be enforced if it were a part of the law. In any event, it is an evasion and contradictory to the rest of the bill. I think if those who introduced the amendment had heard the testimony they would not have pressed the amendment.

I would suggest we have the rich man's amendment separately, and some limitation on how much a man can give to his own campaign, because I can see a great evasion in this amendment. If he is limited to $5,000, what does he do? He has no limitation on his own money. He is a man of influence. He wants to find $200,000. He finds 40 friends and gives it to them and each of them gives back $5,000.

Let us close that loophole and go after the man who would bribe the election because he is so well fixed. But on top of the spending limitation and the media section let us not add something that will not work.

The PRESIDING OFFICER (Mr. NELSON). The Senator's 2 minutes have expired.

Mr. CANNON. Mr. President, what is the present time situation?

The PRESIDING OFFICER. Five minutes are left on the amendment; 4 minutes to the Senator from Rhode Island and 1 minute to the other side.

Mr. MATHIAS. Mr. President, how much time do I have remaining on the amendment?

Mr. CHILES. The Senator can take time from the bill.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. MATHIAS. Will the Senator from Pennsylvania yield me time?

Mr. SCOTT. I yield 5 minutes to the Senator from Maryland on the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, as the sponsor of this amendment I request that we have a division of the amendment into sections (a) and (b), as offered, and a separate vote on section (a) and section (b).

The PRESIDING OFFICER. Is the Senator asking for a separate vote on section (a) and a separate vote on section (b)?

Mr. MATHIAS. The Presiding Officer is correct. I further request that we vote first on section (b), which the Senator from Pennsylvania called "the rich man's section."

The PRESIDING OFFICER. That would require unanimous consent.

Mr. CANNON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. MATHIAS. I yield.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. CHILES. Can the sponsor of the amendment, in effect, ask to conform his amendment to take up section (b), and would that require unanimous consent, the yeas and nays not having been ordered, if he asked to conform his amendment to have section (b) read section (a) and section (a) read section (b)?

The PRESIDING OFFICER. The Chair is informed that it cannot be done since the amendment is printed, unless there is unanimous consent to change it.

The Parliamentarian advises the Chair that since the yeas and nays have not been order, the author of the amendment may withdraw his amendment and offer section (b) as an amendment.

Mr. MATHIAS. Mr. President, I will withdraw the amendment and offer section (b) of the amendment as a new amendment.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

Mr. MATHIAS. The amendment is at the desk.

The PRESIDING OFFICER. The clerk will read the amendment as now offered.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, in view of the fact that this amendment is an integral part of the previous amendment, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, I object. I have not heard.

The PRESIDING OFFICER. Objection is heard. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

On page 17, strike out the matter between lines 6 and 7 and insert in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

Mr. MATHIAS. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), very aptly described this as a rich man's amendment. It is a very simple amendment. It simply says that a man running for the presidency cannot contribute, either directly from his own funds or from the funds of his family, more than $50,000 to his political campaign for President or Vice President; that a man or woman running for the U.S. Senate will be limited, under the same circumstances, to $35,000 of personal or family money; or $25,000 in the case of a candidate for the U.S. House of Representatives.

I do not think these are unreasonable restrictions.

I think there is nothing more destructive of confidence in representative government and in the democratic process than enormous sums of personal or family money invested in a campaign.

Let me say—and I think it is a vindication of our system—that sometimes these investments of vast private fortunes do not work. That was the case of the Ottinger campaign in New York in 1970. Although the money was spent, it did not work; and I think that should give us some confidence, but I do not think we can allow the public trust and the public respect for the electoral institutions to depend upon these vagaries of chance, and I think we can build into the system in this bill some protection against even the suspicion that a man can buy a seat in the House of Representatives or buy a seat in the Senate or buy the White House itself.

These are arbitrary figures, of course. It is difficult to set what should be an exact or accurate figure which the law should allow a man to give to his own campaign, but I think it is essential that we do.

History is replete with lessons on this. There was, at the end of the Julian dynasty of the Caesars, at the time of Nero's death, no more of the family of Julius and Augustus Caesar to inherit the empire, and so Galba bought it. He just bought it, lock, stock, and barrel. There is a further lesson for us in the history of Galba, because he welshed on the deal. He was a man with a reputation of great wealth. He never went for a ride in his carriage without carrying with him a million cisterians of gold. So he get the reputation of being a rich man. So when the opportunity came to use his credit to get the imperial throne, he bought it on credit, and he welshed.

Mr. President, let us not have any Galbas in America. Let us not give anybody that chance. Let us not give anybody the expectation that the gold is available for that purpose.

I think this is a very important amendment, and I am very appreciative of the support of the Senator from Florida (Mr. CHILES), who is cosponsor.

Mr. CHILES. Mr. President, I wanted to ask the Senator if he knows why, in our system, in a democratic government, there should be an advantage to being born to wealth in seeking public office. Should that be an advantage, under our system, that we should give a candidate?

Mr. MATHIAS. It is not a case of whether someone is born with wealth, but the mere possession of wealth should not in itself be a qualification for political office, and the ability to control vast sums of money should not be a qualification for public office. Of course, as the Senator knows, it is impossible to totally equalize a great society such as ours, but this amendment goes in that direction.

Mr. CHILES. When we make a law with respect to qualifying fees, and when the courts have struck down high qualifying fees as denying equal protection under the law to individuals not of wealth, which would really fix it so individuals of wealth could seek office and those without wealth could not do so, are we not really talking about the purpose that is contained in the amendment—that we wish people to start equal and not give a great advantage to someone because one candidate is wealthy and the other is not?

Mr. MATHIAS. The Senator is correct.

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

Mr. MATHIAS. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 5 minutes on the bill.

I respect very much the attitude and the sincerity of the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Florida (Mr. CHILES). But, as a practical matter, this amendment is very likely to backfire. It may work exactly the opposite from what these very dedicated gentlemen intend.

I happen to live in a State that has a rigid restriction or ceiling on contribu-

tions of individuals to campaigns. If one runs for the U.S. Senate, he cannot have more than $3,500 from any individual or group of individuals. That is the limit of the contribution.

Mr. President, if any unknown person is seeking to oppose an incumbent Senator, and he starts his campaign, it is going to be very difficult, in the early part of his campaign, for him to raise money. If he is not allowed to advance a reasonable amount of money from his own resources to get his campaign underway we would just be insuring the renomination and reelection of an incumbent Senator, because a well-known incumbent naturally receives more contributions.

Mr. President, there is no way on earth, and I do not believe that any human mind can devise legislation, to make a poor man as fortunate as a rich man. If you and I sit down around a poker table, it makes no difference whether we are playing for 10 cent stakes or $10 stakes, the fellow who has more money has the advantage because his losses do not concern him as much.

I certainly am not wealthy. In fact, I am of very limited means. And after 40 years of campaigning for public office, it is my opinion that the only way to prevent what the Senators seek to prevent is by rigidly enforced, periodic disclosure of who is spending what and for whom, so that before any election the public can read and know everything that has been spent or has been contracted to be spent. Such rigid disclosure will enable the public—and they are sophisticated enough—to form their own judgments when they see a rich man trying to buy an office.

For many years I was an attaché working for a Member of this body. I was here 40 years ago, when Vare of Pennsylvania and Smith of Illinois were denied seats in this body because it was found that they had spent great sums in securing nomination and election to the U.S. Senate. I remember that occasion as a young man, and others through the years.

The people can determine if a man is trying to buy a seat. But, there is nothing we can put on that will not give a rich man an advantage. What we are going to do, if we adopt this amendment in this form, is fix it so that some humble unknown, who is trying to run for Congress or trying to run for the Senate, whose name is not prominent enough to attract contributions, and who certainly at the outset of his campaign has to depend on raising money, will have greater difficulty in winning a seat.

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

Mr. COTTON. Certainly I yield to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. The Senator, of course, speaks a great deal of home truth here. It is like the old doggeral verse with which we are all familiar:

> It's the same the whole world over.
> Isn't it a shame?
> It's the rich that gets the gravy.
> And the poor that gets the blame.

I do not deny that, and I do not think the Senator from Florida denies it. If you have plenty of money, instead of riding around in an old car that has got 100,000 miles on it——

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. I yield myself 3 additional minutes, and yield 2 minutes of it to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS (continuing). An old car with threadbare tires, as compared with the affluent candidate who happens to have a big, comfortable car than can get there, or maybe even an airplane, surely the rich candidate is going to have some built-in advantage. We cannot legislate all those advantages out of the system. But we can, I think, reduce them to the irreducible minimum.

That is all this proposal would do. It does not say, as the Senator from New Hampshire suggests, to some obscure but worthy candidate, that he is going to be put at a disadvantage because that obscure and worthy candidate is not likely to have more than $25,000 of his own money to put in a House race, or $35,000 of his own money to put in a Senate race, or $50,000 of his own money to put in a presidential race.

This is merely saying to that obscure candidate, "We are not going to let you be bargained out of the marketplace by someone who can do more than that." This is simply putting a limitation on the advantage of wealth.

Mr. COTTON. If the Senator will recall, I did not say a poor obscure candidate. I said a new man trying to break in—that is a new candidate. I say that even in a small State like my own, you cannot have a hotly contested battle for a seat in the U.S. Senate without spending $100,000.

Mr. MATHIAS. And you should have it.

Mr. COTTON. All right. But, I say that if John Doe who is a member of a State legislature comes along, for example, and tries to run for a Senate seat held by a popular and well-known Senator, then he is going to have to start financing his campaign in advance. The money contributions come in later. However, the Senator's amendment would fix it so that he cannot do that.

Mr. MATHIAS. But, if the Senator will yield, since he has held himself up as an example here——

Mr. COTTON. No, I withdrew that.

Mr. MATHIAS. Suppose, after the many years of loyal and effective service which the Senator has rendered not only to the people of his State, but the entire Republic, some enormously wealthy individual rides in, invests a million dollars of his own money, and puts on the kind of publicity broadside that would obscure the solid contributions the Senator has made; is that fair?

Mr. COTTON. I can tell my good friend, as a practical matter, that I would like to see some rich man run against me. I can assure you that everyone in the State of New Hampshire would know before that campaign was over that he was rich; that he was spending money; and that he was thereby attempting to "buy" the office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CANNON. Mr. President, will the Senator yield for some further questions on this subject?

Mr. MATHIAS. I have no further time, but if the Senator will yield on his time.

Mr. CANNON. I yield myself 5 minutes on the bill.

This provision says that no candidate may make expenditures from his personal funds in excess of a stated amount. Does that mean a candidate could not go out and get credit in excess of that amount, and then later try to have a fundraising dinner or something to pay off those obligations? What is the situation there?

Mr. MATHIAS. I do not understand exactly what the Senator means.

Mr. CANNON. The provision says:

> "No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—
>
> "(A) $50,000, in the case of a candidate for the office of President or Vice President;
>
> "(B) $35,000, in the case of a candidate for the office of Senator; or
>
> "(C) $25,000, in the case of a candidate for the office of Representative,

What I am asking is, does that mean the candidate could not go out and secure credit in excess of that amount, with the hope of later paying it out of contributions? The question is, if he does that, then what happens if he does not raise contributions in that amount, and eventually winds up for the deficit that exceeds the amount he is permitted to spend?

Mr. MATHIAS. Of course, these are difficult questions in practice. My own feeling would be that I would take the strict construction, that a candidate should not rely on his own resources, because this could be a very neat way to circumvent the intent of Congress here, if in fact this turns out to be the intent of Congress.

If a candidate were a man of very substantial wealth, and, relying upon the statement of his banker, he could go and open the till at any time, not in reliance upon what he might hope to get because of his political campaign, but because the banker knows he has got the rest of it stashed away, I think we would nullify, really, the attempt here, which is to equalize the access to public office between those who are wealthy and those who are not.

Mr. CANNON. Does the Senator feel that there is evil inherent in a man spending more than $35,000 of his own money, rather than going out and getting $40,000 from eight of his friends at $5,000 apiece? Is that an inherent evil the Senator is trying to correct?

Mr. MATHIAS. The Senator uses the word "evil." I think what we are dealing with here is a reinforcement of public confidence in the stated ideals of this Republic, that in the eyes of the law, in the eyes of the Government, men are equal, and that we will not tolerate the personal or the natural inequalities that providence may impose upon us to become fixed as a part of our political and social system; that we are saying that we are going to give men equal access, to the greatest extent possible, to the priv-

ilege and to the responsibility of public office.

Mr. CANNON. Does the Senator feel that the public is going to have its confidence instilled by the adoption of legislation that is obviously unworkable and obviously is unreasonable and probably infringes on a constitutional right?

I pointed up one practical problem already, that of a man extending credit. He goes out and gets credit during the campaign and does not happen to be able to raise all the funds to pay it off, and he has to pay it off himself over a period of time, and it amounts to more than $35,000. Under this proposal, he would be in violation of the law.

Take the case of a man who does have some wealth and happens to have his own airplane. How is that going to be allocated, when he flies his airplane? What is the amount that should be allocated to this $35,000 if he has his own airplane that he can fly around and use to visit people to try to sell a campaign?

Is this proposal going to cover the postage which a man has to buy to send out his mailing? Suppose he buys a great many stamps and sends out a great deal of mail, and his people come in and say, "Mr. Candidate, we have a lot of letters that have to go out, and we have to have stamps, and you are up to your $35,000 limit." Can he not go out and buy stamps? Can he not pay the telephone bills that he might have incurred on an extension of credit on his telephone credit card?

I believe there are many practical problems here that are not going to help instill confidence of the public in the elective process. The public is going to have their confidence instilled, if they have it instilled, by knowing what is going on and then making a decision as to whether or not they will support that particular candidate.

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

Mr. DOMINICK. Mr. President, will the Senator from Nevada and the Senator from Pennsylvania yield me 5 minutes on the bill?

Mr. CANNON. I yield to the Senator.

Mr. PROUTY. I yield time to the Senator.

Mr. DOMINICK. Mr. President, I want to inject a couple of statements with respect to this amendment. I believe many things are involved.

I think that anybody who is dumb enough to contribute that much to his own campaign probably is not going to get elected, anyway. But, over and beyond that, he has a right to do it. I would say that this is as much of a right under the first amendment as the right of free speech.

I do not agree or think it is sensible for people to walk barefooted even in a peace march to the Capitol. I do not think it adds very much. Nevertheless, those who want to do it have a right to do it, and I am not going to stop them from doing it, as long as they do not interfere with anybody else's rights.

I do not see any reason why, just because somebody's family may have some money, they are prohibited from contributing. This is an exercise of free speech. It is an exercise of political participation. Why do we take it out only on the President and the Senator and the Representative? What about the Governors?

I understand that the present Governor of Pennsylvania, Governor Shapp, spent an enormous amount of his own money in his campaign, and so did Mr. Ottinger. Shapp was defeated the first time and won the second time. Ottinger was defeated. Perhaps they were defeated because they spent so much money. I do not have the faintest idea.

I do not see why we should take upon ourselves the banner of righteousness and say that simply because somebody has some money, he should not be allowed to spend it. It seems to me that is a total limitation on the right of free speech in our country.

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

Mr. DOMINICK. I am happy to yield.

Mr. MATHIAS. I think the Senator has raised an interesting constitutional question, and I do not ignore that constitutional question. Since it has been raised, perhaps it ought to be addressed.

Let us assume, for the sake of our discussion, that there is a constitutional question. I pose to the Senator a parallel kind of problem, which is the problem we have under the first amendment, including the right of a free press and the constitutional guarantee of a fair trial. We have discovered in the course of our political experience that the guarantee of a free trial is not always compatible with the guarantee of a totally free press, and there has to be some coordination of these two very essential and basic constitutional principles.

I admit, only for the sake of this argument, that there is a constitutional problem here. But if there is, I would say it is the kind of constitutional principle which has to recognize that there are other equally and important constitutional principles that also have to be recognized.

Mr. DOMINICK. If I may say so, the constitutional restrictions, as I understand them—and I am not sure that anybody understands them—on the free-press situation at this point, the ones I can see, are those which definitely involve the national security of the country or which definitely create hazards to individuals, visible hazards, such as yelling "fire" in a crowded theater. This is the type of situation in which there is a restriction. In this case, one is not yelling "fire" in a theater by spending more money or having his family spend more money, if they want to be dumb enough to do it, as I have said.

Second, the national security is not being endangered, unless the person who is being attacked by a person who is spending that kind of money thinks he is the only savior in the United States; and if he thinks so, he should be put out of office, anyway.

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

Mr. DOMINICK. I yield.

Mr. MATHIAS. Let me say that I would have to disagree violently that if one condones the practice of recent years—since I have mentioned the Ottinger case, I mention it again—if there is a feeling around the country that it is all right to spend—I have forgotten the exact figures—more than $2 million of one's money or the money of one's immediate family in a campaign for the U.S. Senate, and nobody objects, and everybody says that is all right, or at least they do not say it is wrong, then I say to the Senator that he is yelling "fire" in a crowded theater.

Mr. DOMINICK. I say to the Senator that the people of that area said they did not want him, so they said they thought it was wrong, and they voted him out. I do not see any real horror in that. I do not see any crowded theater. I am happier that he spent $2 million of his own money, or whatever the figure was, than $2 million of other people's money that he went around and collected all over the place and then spent. I think it is much better for him to do it this way and let him help the economy, as the Senator from Kansas just whispered in my ear. I do not see anything wrong with that.

It seems to me that injecting the idea that we are able to limit what somebody else can say as to their right of expression or support of a candidate is just plain wrong. I think it is unconstitutional, and I think it is morally wrong.

Mr. COTTON. Mr. President, I yield myself time on the bill to say that we have explored this amendment thoroughly. I understand that the distinguished Senator from Florida is about to use 5 minutes. I hope it will not be taken amiss if, after he has used his 5 minutes, I move to table this amendment.

Mr. PASTORE. I yield 5 minutes on the bill to the Senator from Florida.

Mr. CHILES. Mr. President, I have been listening with great interest to a number of the discussions and arguments on this bill and on this amendment. I have heard many things about it being wrong, about it being unconstitutional, and that it will create all kinds of problems. What I hear sounds to me like a lot of nit-picking.

It seems to me that all we are talking about is really the confidence of the people in this body and in the Presidency, and whether we are going to have the people feel that one can buy an office in the Senate and Congress or in the Presidency. Some Girl Staters were up here the other day, and I sat with them in the gallery for a few minutes. They were looking down on the Senate during its deliberations and one of them said to me, "We were talking with our counselor and in our classes and we came to the conclusion that you were the only person in the Senate who is not wealthy, that you have to be wealthy to get into the Senate."

Well, of course, that is not true, but there are many people who believe that. However, it made me realize that this is a concept that not only Girl Staters have but many other people, that we have to be wealthy to be a Senator.

It is a concept that, in some ways, is true, that we have to have wealth, or some resources, or the ability to get some money together in order to seek office. I do not believe that should be true, if we are talking about gaining

the confidence of the people of this country.

I do not believe that if we are wealthy, all we have to do is write out a check, because we have so much money, for all the television time we need, all the radio time we need, all the money needed for billboards, and have all that done by writing one check, as opposed to the candidate who must seek contributions from his friends and other people who are willing to support him, to try to run a campaign.

I do not believe that is the American way. I do not believe the American way is that we should be able to buy an office. The courts have already spoken to that when they asserted that the qualifying fee cannot be raised to put a man out of office.

What disturbs me is that the limitations are so high. I do not see why a candidate should be able to spend $25,000 or $35,000 in order to buy the job.

Mr. BROCK. Mr. President, will the Senator from Florida yield?

Mr. CHILES. I yield.

Mr. BROCK. I personally agree with what the distinguished Senator from Florida is trying to accomplish. The Senator just mentioned the fact that the limitations are so high; $50,000 is the limitation on the presidential campaign and that is probably less than two-tenths of 1 percent of the amount which will be spent; $35,000 is the limit for a senatorial race. On the average, that is only 3 percent to 10 percent of what the total campaign cost of the race will be. As to the congressional race, allowing the $25,000, that will be maybe 50 percent, on the average cost of a House race which, it seems to me, is a figure which is high.

Another point I should mention, Mr. President, it seems to me that the Members of this body should vote for an amendment of this kind out of self-protection if nothing else, because all of us are accused of spending more money than we could ever possibly spend on our own campaigns, so that I would like the protection of law.

The Senator has a very good point with his amendment.

Mr. CHILES. I thank the Senator from Tennessee. I have a hard time conceiving of $50,000. That seems a lot of money to me, even for a presidential campaign, or if someone talks about coming to the Senate, by spending $35,000 or $25,000.

Mr. BROCK. $25,000 is a high percentage of the amount to run for Congress, but a person could almost afford that.

Mr. CHILES. The Senator has a good point. The senior Senator from Ohio in his discussion earlier said, "What is wrong with our election laws? We have disclosure in the bill." I am sure everyone will agree that disclosure is important and valid but part of it is that we are setting a standard to which all the people of this country will look. They will look at the standard and determine for themselves whether it is a good one or not.

What are we looking for in the House of Representatives or the Senate? We are looking for a body of men and women who will reflect the overall judgments of the people of this country. I do not believe that we want all wealthy people, all lawyers, or all insurance men. The whole genius of our system is to have a deliberative body made up of people from all walks of life who will come to the Senate and House and put their knowledge and expertise together to improve the welfare of all the people. They should not all be wealthy. They should all be capable of being able to run for the Senate or the House without possessing wealth.

Mr. President, I think that this is a good amendment.

Mr. CANNON. Mr. President, I yield myself 1 minute on the bill. As I said before, this is not a good amendment. It would be unenforceable completely, particularly in view of the credit arrangements that I discussed earlier. I hope that the Senate will reject the amendment, because it is unrealistic.

Let me point out that in the bill itself we have provided for complete disclosure. The public will know if a candidate is spending his money, and how much. They will form their own judgments and then they can decide whether the candidate is trying to buy the election, or is having someone buy it for him, because that information will remain available periodically and fully through a commission which we have appointed and the public will be able to make its own informed judgments.

Mr. LONG. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. LONG. Mr. President, in my experience, I have been aware of people who wanted to serve their Government and the public was willing to share in the campaign expenses, but the candidate could afford to do it by himself, so why would we want to make someone be obligated to someone else for campaign contributions when he is fully able to take care of it himself?

Perhaps the candidate inherited the money from his mother or father and he does not want to throw any financial obligations on the shoulders of anyone else. He has plenty of money to contribute to his favorite charity. He would also like to serve in public office and do things for the good of the people. Why should he not be permitted to pay for campaign costs if that is what he wants to do? Why obligate him to someone else when he can afford to pay it? Why should we want to require that he seek contributions from people far less able to afford it than he? It makes no sense to me.

Mr. COTTON. Mr. President, in accordance with the notice I gave earlier, I move to lay this amendment on the table.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BENTSEN). The motion to table is not in order. The Senator from Maryland has 9 minutes left on his amendment.

Mr. MATHIAS. Mr. President, I yield back my remaining time.

Mr. COTTON. Mr. President, I renew my request.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire (Mr. COTTON) to lay on the table the amendment of the Senator from Maryland (Mr. MATHIAS).

On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, will the Chair please state the form of the question as it is now proposed to the Senate?

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the motion of the Senator from New Hampshire (Mr. COTTON) to lay on the table the amendment of the Senator from Maryland (Mr. MATHIAS).

Mr. ALLOTT. I thank the Chair.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahome (Mr. HARRIS), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 33, nays 58, as follows:

[No. 191 Leg.]

YEAS—33

Allott	Dole	Jordan, Idaho
Baker	Dominick	Long
Bellmon	Ellender	Magnuson
Bennett	Ervin	Montoya
Bentsen	Fannin	Pastore
Bible	Fong	Pell
Buckley	Goldwater	Prouty
Cannon	Gurney	Stennis
Cook	Hruska	Taft
Cotton	Inouye	Tower
Curtis	Jordan, N.C.	Young

NAYS—58

Aiken	Hart	Packwood
Allen	Hartke	Pearson
Anderson	Hatfield	Proxmire
Beall	Hollings	Randolph
Boggs	Hughes	Ribicoff
Brock	Humphrey	Roth
Brooke	Jackson	Saxbe
Burdick	Javits	Schweiker
Byrd, Va.	Kennedy	Scott
Byrd, W. Va.	Mansfield	Smith
Case	Mathias	Sparkman
Chiles	McClellan	Spong
Church	McGovern	Stevens
Cooper	McIntyre	Stevenson
Cranston	Metcalf	Symington
Eagleton	Miller	Talmadge
Fulbright	Mondale	Tunney
Gambrell	Moss	Williams
Gravel	Muskie	
Griffin	Nelson	

NOT VOTING—9

Bayh	Harris	Percy
Eastland	McGee	Thurmond
Hansen	Mundt	Weicker

So Mr. COTTON's motion to lay Mr. MATHIAS' amendment on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS). [Putting the question.]

The amendment was agreed to.

Mr. HARTKE. Mr. President, I have an amendment at the desk which I ask to have read.

The PRESIDING OFFICER. Will the Senator identify his amendment by number?

Mr. MANSFIELD. Mr. President, would the Senator from Indiana withhold his amendment? There is another part to this amendment, and it was understood when action on this part of the amendment was completed that the Senator from Arizona (Mr. FANNIN), who has been on the floor for the last hour and a half, would offer his amendment.

Mr. HARTKE. Could the Senator from Indiana and the Senators from Illinois and Minnesota be recognized after that amendment?

Mr. MANSFIELD. Yes. Mr. President, I make that unanimous-consent request.

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

Mr. MANSFIELD. Mr. President, to make the record clear, it has been agreed that after the disposal of the Mathias-Chiles amendment, which will be laid before the Senate shortly, the Senator from Arizona will be recognized, and then the Senator from Indiana and his associates will be recognized——

Mr. PROUTY. Mr. President, we cannot hear the majority leader.

The PRESIDING OFFICER. Will the Senator from Montana restate his request?

Mr. MANSFIELD. Mr. President, it is my understanding that it was understood that the second part of the Mathias-Chiles amendment would now be offered, to be followed by the amendment of the distinguished Senator from Arizona (Mr. FANNIN), to be followed, when disposed of, by the distinguished Senator from Indiana (Mr. HARTKE) and his associates.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from Minnesota (Mr. HUMPHREY) may be added as a cosponsor of amendment No. 366.

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

Mr. STEVENS. Mr. President, who has the floor?

The PRESIDING OFFICER. Is the Senator from Maryland offering his amendment at this time?

Mr. MATHIAS. Mr. President, I advise the Chair that the Senator from Florida (Mr. CHILES), who is cosponsor of the amendment, is seeking recognition, I think.

The PRESIDING OFFICER. The Senator from Florida.

Mr. STEVENS. Mr. President, will the Senator yield for me to make a correction of the RECORD?

The PRESIDING OFFICER. Will the Senator permit us to have the amendment read first?

Mr. CHILES. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows: "§ 608. Limitations on contributions and expenditures

"(b) (1) No person (other than a candidate or political committee) may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office. For purposes of this paragraph, a contribution shall be held and considered to have been made to such a candidate if it is paid to such candidate or his agent.

"(2) No such person may make contributions directly or indirectly to political committees in excess of an aggregate amount of $5,000 during any calendar year.

"(3) No candidate may receive contributions from, nor authorize expenditures by, political committees in connection with his campaign for nomination for election, and election, to Federal office in excess of an aggregate amount of $75,000 during any calendar year.

Mr. CHILES. Mr. President, this is the second part of the amendment that we divided after we had offered it earlier. This portion of the amendment says that no person can give to a candidate more than $5,000 in a contribution.

The next part provides that no person can give to a committee or series of committees more than $5,000.

The third portion provides that no candidate shall receive from committees a sum in excess of $75,000 from the committee sources.

I think this provision would really complete the package of what we are talking about in election reform and in election campaign reform. Now we have done something about contributions of individuals and their families from their wealth. This amendment would go a further step that is necessary and provide that no one is going out, because he is wealthy, and buy himself a stable of Senators, Representatives, or any other candidates because he is making a contribution in excess of $5,000. This amendment is going to give the people some faith in our system that a candidate is not going to be bought, that he is not going to give special favors and consideration to someone who has paid a huge sum of money for his campaign, because they are going to know that no sum in excess of $5,000 will be given.

I think this is necessary to give us a meaningful campaign contribution bill. What are we seeking in a campaign contribution bill? We are seeking the confidence of the people. Obviously we are seeking a disclosure. We are seeking a limitation on overall spending. But, in addition to that, we are seeking to know that we are going to have candidates and officeholders who are not beholden, because they were responsible for their election to a single person. We are seeking to make sure that no person of individual wealth can use his wealth to obtain office against the public interest. More than that, we are seeking the confidence of the people in the electoral system.

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

Mr. CHILES. I yield.

Mr. PASTORE. I am rather amenable to the idea of limiting the contribution to $5,000. What disturbs me—and I repeat it—is the second part of the amendment, in which it states that no person may make contributions directly or indirectly to political committees in excess of an aggregate amount of $5,000 during any calendar year.

Would the Senator be amenable to having the provision read that no such person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of, and so on?

Mr. CHILES. Yes, I would be.

Mr. PASTORE. What the Senator is actually doing here is providing that if a person is limited to contributing $5,000 to committees, if there are five people in his State running for Federal office, let us say one Senator and four Representatives, he is limited to $5,000; beyond that he could not make a contribution to the national committee, according to this amendment. Am I correct?

Mr. CHILES. Yes. I would be amenable to the suggestion the Senator makes.

Mr. PASTORE. In other words, the Senator would confine it to $5,000 for all committees for one candidate?

Mr. CHILES. Yes.

Mr. President, I would ask the Chair if, the yeas and nays not being ordered on the amendment, I could have the amendment conform to that language.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. CHILES. Mr. President, to add the following——

Mr. PASTORE. After the word "committees" on next to the last line of the amendment, add the words "on behalf of any candidate."

The PRESIDING OFFICER. Is the language accepted by the Senator from Florida?

Mr. CHILES. Yes, it is.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. McCLELLAN. Mr. President, I should like to inquire of the distinguished Senator, the author of the amendment, what effect this has on senatorial or campaign committees up here that raise money by the process of having dinners, such as it is the practice to have? If one gives $5,000 to that dinner, is he precluded from making a contribution to the candidate of his choice thereafter?

Mr. CHILES. No, he is not.

Mr. PASTORE. Not with the modification I made.

Mr. CHILES. With the modification, he would not be precluded.

Mr. McCLELLAN. One other question: They raise money at these dinners and they raise possibly more than the $5,000 for the candidates that will be entitled to receive those donations. Can the congressional committee which raises the money at those dinners be prohibited now from distributing more than $5,000 to any one candidate?

Mr. CHILES. Under the modification that I have accepted, under subpara-

graph (3), the overall limitation will be $75,000 on behalf of the candidate who received it from the committee.

Mr. McCLELLAN. Do I understand one candidate can receive $75,000 from one of these dinner committees held here to raise money?

Mr. CHILES. Under the modification, if the money was not given to the committee of an individual Senator, it would be possible. That would be the overall limitation. Today there is no limitation at all.

Mr. McCLELLAN. I am concerned about an individual Senator. I would like to know. Let us say $500,000 was raised up here at a dinner.

Mr. CHILES. Yes.

Mr. McCLELLAN. For congressional assistance for certain candidates, certain Members of Congress. They are entitled to receive contributions from that. Tell me what the limit is under this proposed legislation that one Senator can receive or one Representative can receive from this character of fundraising process.

Mr. CHILES. Today there is no limitation. He could receive the whole $500,000. Under this amendment, if adopted, there would be a limitation of $75,000.

Mr. McCLELLAN. That is very intriguing, if you can give, out of this fund up here, as much as $75,000 to one candidate.

Mr. CHILES. Today, as I say, you could give as much as $500,000, under the Senator's example.

Mr. McCLELLAN. Well, that is hardly likely. It is impractical; I think we all agree with that.

Mr. CHILES. I think the $75,000 is a little impractical.

Mr. McCLELLAN. I am just trying to find out if you can still give more than the $5,000 from this fundraising to any candidate.

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what we want to clear up.

Mr. CHILES. Yes.

Mr. McCLELLAN. So this has no reference, then, and there is no application, to these fundraising dinners that we have up here, where we ask our friends to send in money, to make contributions to the overall campaign fund?

Mr. CHILES. That is correct.

Mr. McCLELLAN. So a Senator or Representative can receive, or any committee or combination of committees can receive for him, more than $5,000 out of this fund?

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what I thought we ought to clear up, because this fund has been raised and is available, and there will be others.

Mr. PASTORE. But the Senator should realize, if he will yield at this point, that we have got to qualify that. The question has been raised by the Senator in the context of the entire legislation that we are passing, I hope, today, and that is, No. 1, the candidate is limited as to how much money he can spend for his campaign, regardless of where the money is coming from; and No. 2, we have a very strict—and I have used the expression "very brutal"—disclosure law, whereby the candidate has to indicate where the money comes from.

Mr. McCLELLAN. That is correct.

Mr. PASTORE. So thereby, if he receives $75,000 from the central campaign committee, he has to show it, and he has to file it with that independent commission that we have created.

All this proposal would do, as I understand the amendment now, is permit any individual to make a contribution of $5,000 to a candidate, or, if he has a multitude of committees, he can make a $5,000 contribution in the aggregate, for that particular candidate. But he cannot contribute $5,000 here, $5,000 there, and $5,000 somewhere else for the same candidate.

Mr. CHILES. That is correct.

Mr. PASTORE. That is all it amounts to.

Mr. McCLELLAN. I understood that in the amendment, but I did not understand how it would apply to these fund raising dinners, as to someone who may have contributed $5,000 to a dinner.

Mr. PASTORE. I wish to say to my friend that this is the crucial provision, upon which a veto might hinge.

Mr. SCOTT. Does this apply to all candidates, or just candidates for Congress?

Mr. CHILES. No; it would apply to all Federal offices.

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

Mr. CHILES. I yield to the Senator from Kentucky.

Mr. COOK. Let us take the example of a candidate for the Presidency; we have a major dinner, and it is in that candidate's name as the presidential candidate. Is it correct that regardless of how much money is received as a result of that dinner, he can only, if only one committee is involved, receive a maximum of $75,000 from it?

Mr. CHILES. As a maximum.

Mr. COOK. What happens to the remainder of it, if more than $75,000 is raised?

Mr. CHILES. I am sure the money could go to the national party, or he could give it to his favorite charity.

Several Senators addressed the Chair.

Mr. CHILES. The Senator from Kentucky had not completed his colloquy.

Mr. COOK. Might I say this all sounds well and good, but I am sure the contributions that are made as a result of buying tickets are made with the idea of contributing to the individual whose dinner is being attended; and I am sure that if the contributor knew the money was going to charity, he would make the contribution to charity so that he could deduct it from his income tax.

What the Senator is saying is that if a major dinner were given in the name of a presidential candidate, by a committee, that they would have to sell $75,000 worth of tickets, plus the expense of the dinner, and then stop; is that correct?

Mr. CHILES. Well, what I am saying is that they could make that contribution up to $5,000 to the candidate, instead of to the dinner.

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

Mr. CHILES. I yield.

Mr. SCOTT. Under the Senator's amendment—and I think the mischief is beginning to come out here—suppose a person were interested in the outcome of the election in six States, where he would like to help a given candidate for the Presidency. He would like to give a thousand dollars; but, as I understand it, under the Senator's amendment, that would exceed what he could contribute, because that would be $6,000 instead of $5,000.

Mr. CHILES. That is correct.

Mr. SCOTT. So there are 50 States of the Union, and if somebody wanted to help out in all 50 States, he would be permitted to give $100 in each State; is that correct?

Mr. CHILES. That is right.

Mr. SCOTT. So a contributor is limited, in a presidential campaign, to campaign contributions, not of $5,000 per candidate, but $100 per candidate in each of the 50 States, if he were interested in doing that; is that right?

Mr. CHILES. If he would like to divide it that way, and that is the way he wanted to make the gift, that is fine. If he would like to give the presidential candidate $5,000 he can do that, but this amendment would spell out that he could not give the individual candidate more than $10,000. He could give him $5,000 individually and $5,000 through committees, but the amendment would spell out that one person could not bankroll a candidate for President of the United States.

Mr. SCOTT. Of course, my heart is bleeding for the half dozen or more presidential candidates in this body, who must be shivering in their shoes, at least, at the very thought of the impact of this amendment.

But beyond that, for the benefit of Senators who were not here earlier, I made these points, as Senators will recall:

First, the amendment is unconstitutional according to the testimony given in the committee.

Second, the Attorney General says it is unenforcible.

Third, it is open to any kind of evasion under the sun, because any candidate with means can call upon his uncles and his cousins and his sisters and his aunts, and we are back to the same old evil of having multifarious committees, except that now we are going to have multifarious relatives, if a man is fortunate enough to have the multifarious relatives.

The Senator from Nevada is opposed to the amendment, I am opposed to the amendment, and I would like to add something else: If this amendment goes into the bill, we are not going to get any bill, because the bill will be vetoed, and I would support the veto.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I think we can solve the question by deleting from the amendment section 3. If the amendment is primarily directed toward what you can contribute, why mess it up with what you can receive from committees?

First of all, this law does limit you as to the amount of money you can spend. This law does have a provision for very

strict disclosure. We can solve the problem, I think, in this way. It has been called to my attention that I had the wrong piece of paper in my hand, because the Senator has added a subsection to his amendment, and that is the one that is causing the trouble. Why not just delete that subsection?

Mr. CHILES. All right. I ask that the amendment be further modified by deleting subsection 3, which would take away the restriction of the $75,000 from fund-raising dinners.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PASTORE. In other words, we are getting away from the collection element and getting into the contribution element, which is what we are dealing with here, and I do not think we ought to confuse them.

As it stands now, under this amendment, any person can contribute up to $5,000 to any individual candidate and up to $5,000 to any committee or combination of committees for that particular candidate; is that not it?

Mr. CHILES. That is correct.

Mr. SCOTT. Mr. President, would the Senator further clarify what happens to all the fundraising dinners around here, to which I hope to avoid contributing?

Mr. CHILES. I think we are giving some protection to the Senator.

Mr. SCOTT. How? In other words, now you can raise it, if you want, by the fundraising dinners, and there will be no limitation; is that correct?

Mr. CHILES. No. Presently there is no limitation, that is correct, that there is no limitation now. We are seeking to put some meaningful limitations on this bill.

It is interesting, Mr. President, that on the one hand, when we seek to put the limitations on the bill, we hear the cry that that would be unconstitutional, that it is going to be vetoed, that it will bring down the wrath of heaven; but, on the other hand, when we take away what appears to be something that would be unenforceable, we are told that now we are opening up the door.

Mr. SCOTT. What I am trying to find out, though, is whether the Senator has withdrawn the $75,000 limitation.

Mr. CHILES. That is right.

Mr. SCOTT. If he has, he has opened the door; and thereby, rather than my sounding inconsistent, I point out that what the Senator is doing is encouraging the evasion. It seems to me that now they can have a half-million-dollar fundraising dinner and go ahead and give the man all he wants.

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

Mr. SCOTT. I think the Senator needs the help of the Senator from Rhode Island, with his mastery of logic, to see whether he can make sense out of that.

Mr. CHILES. I yield.

Mr. PASTORE. With respect to the question raised by distinguished Senator from Pennsylvania, a person is limited as to how much money he can spend. Irrespective of this amendment, the Democratic Senatorial Campaign Committee or the Republican Senatorial Campaign Committee could give the Senator, provided he disclosed it, up to the maximum amount he could spend for his campaign. This does not inhibit that at all. This does not touch that element at all. That is what we are solving here now.

When we take out section 3, all we are confining this to is to what a person can contribute, not what he can receive. He can receive, provided he discloses it, up to the maximum amount he can spend.

Mr. DOMINICK. Does this mean that any one person can give to a variety of different political committees?

Mr. PASTORE. Not for the same candidate.

Mr. DOMINICK. Suppose there is the Republican Committee for Senatorial Support in Colorado, the Republican Committee for Senatorial Support in Washington, D.C., and the Republican Committee for Senatorial Support in South Carolina. Can they give $5,000 to each of these?

Mr. PASTORE. Yes, and nothing has been done in this bill to change that.

Mr. SCOTT. What do they do?

Mr. PASTORE. They distribute it, as they have been doing up to now—and I am told that the Senator's side has done a little better than we have.

Mr. SCOTT. We try. We are not always successful.

Mr. CHILES. What would be done in that situation is that now we have a disclosure. The Senator from Florida—if I may refer to myself—would disclose that he got his money from the committee in the District of Columbia, the Committee for Better Government in Florida, the Committee To Elect Good Democrats somewhere else. There are all those nefarious and hidden ways in which I could have received my money, as opposed to the standards set by this amendment, that an individual shall give not more than $5,000 and that he shall put his name on it. So that there would be a test by which the public could judge, with the disclosure in the bill and with the standards set by the individual contributions.

Mr. DOMINICK. Mr. President, will the Senator yield for some questions?

Mr. CHILES. I yield.

Mr. DOMINICK. Do I correctly understand that under the Senator's amendment, as he is proposing it, any person can give to any number of political committees so long as they are not for just one candidate?

Mr. PASTORE. That is correct.

Mr. DOMINICK. Is that correct?

Mr. CHILES. So long as they are not giving to a candidate.

Mr. DOMINICK. Without the Senator's amendment, one would still have to make disclosures of where he got his money; would he not?

Mr. CHILES. That is correct.

Mr. DOMINICK. So the only effect of the Senator's amendment would be to put up a kind of blazoning sign which is going to inhibit the ability of the Senator from South Carolina and myself to raise money for our respective candidates.

Mr. CHILES. No; it certainly is not going to prohibit the raising of money, but it is going to put a standard to the people by which the people will see that a candidate is not to take more than $5,000 from an individual, and then the standard of judging how much money he receives, whether it is from nefarious committees.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield.

Mr. DOMINICK. The effect of the Senator's amendment is that the Senator from South Carolina and myself, being the chairmen, respectively, of our senatorial committees, can create committees in each State and raise a great deal of money because we have a multitude of candidates. But when we come to the President, on either side, although an individual or our committees might give us as much as $50,000 for the Senators, they can give only $5,000 for the Presidency.

Mr. CHILES. No; the national committee also could collect money there.

Mr. DOMINICK. Not for an individual candidate.

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

Mr. CHILES. I have told the Senator from Arkansas that I would yield to him.

Mr. McCLELLAN. I must attend a committee meeting.

The PRESIDING OFFICER. All time of the Senator from Florida has expired.

Mr. PASTORE. Mr. President, let us find out about the time. Do we have any idea of when we are going to vote on this amendment?

I yield 10 minutes to the Senator on the bill.

Mr. McCLELLAN. I should like to ask one other question, for clarification. This matter has become very complicated, as is evidenced by the colloquy that has taken place.

I present a hypothetical case now, and I ask the Senator to tell me what his amendment does. The Senator says that one person can contribute only $5,000 to a single candidate.

Mr. CHILES. That is correct.

Mr. McCLELLAN. If they have a dinner for the Democratic candidates, or for one candidate, where the plates are $5,000, or the amount for a given number of plates should come to $5,000 and one fellow buys that number of tickets, can he afterward contribute $5,000 to that candidate, if this money is distributed?

Mr. CHILES. He can give $5,000 to a committee or a series of committees for the candidate. He can give $5,000 to the candidate. So he can make a total contribution of $10,000.

Mr. McCLELLAN. He can make a total contribution of $10,000?

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what I thought. I think the Senator really is simply inviting a lot of dinners. That is what the result would be—just a lot of dinners, and a fellow could contribute all he wanted. He could buy all the tickets he wanted.

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

Mr. CHILES. I yield.

Mr. PROUTY. I think I am raising a rather important question, and I should like to have it clarified.

The Senator's amendment states that

no person can make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office; is that correct?

Mr. CHILES. That is correct.

Mr. PROUTY. Suppose someone is solicited for $5,000 for a certain candidate. Then he is asked to contribute to one of the political action committees such as the Committee for an Effective Congress or some other committee, such as an environmental committee of some kind, supporting the same candidate. He has given $5,000 to the candidate. He gives $2,000, perhaps, to one of the committees and does not know how that money is going to be spent. Is he not in violation of the law?

Mr. CHILES. Not with the removal of subsection (3). The provision would be under subsection (2), and subsection (2), with the modification—we changed the language in subsection (2). I do not know whether the Senator has that. With the amendment, he would not be in violation if he gave it to a committee other than a committee for an individual candidate.

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

Mr. CHILES. I yield.

Mr. MATHIAS. I think he could be in violation if he gave to an individual the maximum amount, $5,000, and then gave to a committee an earmarked contribution.

Mr. CHILES. In excess.

Mr. MATHIAS. In excess of his original contribution.

Mr. PROUTY. But if he earmarked it, he would not be in violation of the law?

Mr. CHILES. That is correct.

Mr. SCOTT. Even if he did not earmark it and it still got to the candidate, he would not be in violation.

Mr. CHILES. That is correct.

Mr. SCOTT. That is an evasion.

Mr. BROCK. What possible effect would this amendment have? All that the respective parties would have to do would be to set up multiple candidate committees, and then everybody would be excluded from the law.

Mr. CHILES. There is the possibility.

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

Mr. CHILES. I yield.

Mr. PASTORE. What we are trying to avoid is the element of being beholden. If one makes a contribution to the Republican Senatorial Committee, that money goes into a pot. The candidate does not become responsible to the giver. Nobody becomes responsible to the giver.

Now we have something a little different. Where one makes a personal contribution to an individual, there is the intimate contact of the person to person. That is where we are disturbed a little, because that is where you become beholden. You can take this thing and stretch it to any ridiculous proportion you want. But what we are trying to do is to measure the amount any individual can give another individual, or any committee can give on behalf of that particular candidate. When you give it to a campaign committee, or go down here to a banquet being held by the National Democratic Committee or the Republican National Committee, you are not beholden to anyone, so that the committee gives you $50,000 and you have got to state that the $50,000 came from the committee, and the committee has got to state where they got the $50,000. But you are not beholden to the giver. That is the point we are trying to get over. We could take a quarter of a million dollars, or half a million dollars, or $1 million, and put it in someone's campaign pot. That is what we are trying to avoid. We are trying to free the democratic process. If Senators do not believe in that freedom, then vote against this whole bill.

Several Senators addressed the Chair.

Mr. CHILES. Mr. President, I yield to the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. I should like to address myself to the point the Senator from Colorado made, and over which the eyebrows of the distinguished Senator from South Carolina were being raised. As I udnerstand it, philosophically, this is going to add to the structure of committees, be they the party committees, or committees for peace causes, or committees for hawk causes. It will add to these, because they will be the vehicle through which money will be able to be contributed in an unlimited fashion. It will facilitate the task. It might develop party regularity. It might throw into motion new aspects of our system that are not now there. We might move away from committees and identify more with individuals. What the Senator is doing is a sensible device that will accomplish more with organizations. It will have that effect.

Mr. STEVENS. Mr. President, I should like to comment on what the distinguished Senator from Rhode Island said. As I understand it, this means that some people are not beholden to the large givers, those in the party structure, those in the committee structure.

Shades of Carmen Di Sapio. Shades of all the bossism I have ever seen. Every candidate will be beholden to the political committees that you are forcing into the political stream today. I hope that I do not have to be beholden to any political boss. I am not beholden to anyone right now. I am perfectly willing fully to discuss every contribution I get from anywhere, and require anyone that makes a contribution to disclose it. But why create a political figure who has the power? You assume somebody will be beholden. Why not assume that the political boss will not be beholden to the contributor? You assume that we would.

Mr. PASTORE. I do not know Carmen Di Sapio. I have never met him. But I do know ERNEST HOLLINGS and I do know PETE DOMINICK, and they are not bosses. They are not bosses. They are chairmen of campaign committees of the Senate. Take Larry O'Brien, the present national chairman. Take any other names the Senator wants. He does not impress me by using the name Di Sapio.

Several Senators addressed the Chair.

Mr. CHILES. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, this amendment refers to $5,000——

Mr. CHILES. That is correct.

Mr. CURTIS. I take it that it would not include services or gifts other than dollars; is that correct?

Mr. CHILES. I do not know what the definition of the overall bill is in regard to services. I would be open to a legal interpretation on the basis of that definition.

Mr. MATHIAS. It is a thing of value.

Mr. CHILES. Yes I think it is a thing of value, so that I think services could be computed within that

Mr. CURTIS. I still do not think it will effectively reach those situations where organizations delegate great armies of manpower to go out and carry on a candidate's campaign.

Mr. CHILES. I would answer that by saying that there are many things the amendment does not reach and a lot of things I would like to see in the bill are greater than the amendment. But I think what we are trying to do here is to set a standard that will be such that the public will be able to see that an individual should not give more than $5,000 to a candidate, and the candidate should not get more than $5,000 from an individual. He should not be beholden to anyone by more than that. That is the standard we are trying to set. If we go around it by way of a committee, we can do that now. The committees are there.

What the bill does do is to set up disclosure for the committees. When we go around it by those committees, the press, your opponent, the public, will be able to see that you did not go by the standard that was set in the bill and someone is trying to give all his money through committees, or someone is trying to receive all the money through committees. So I think we still have that standard, whereby we can judge the guy in the white hat or the guy in the black hat. The public needs that standard. They want to have us say that we are not beholden to anyone, that we are not taking money from one man and owing him for that, that we are not going out to try to buy a stable of office holders. So we will set that standard. That is what it comes down to. I think Senators can disagree with that and can also find all kinds of technical things to disagree with, all kinds of loopholes as to what the amendment does not do. There are some things that it does do. But what we are talking about is the philosophy of whether we think there should be a standard, a hallmark that we see the office is not for sale, the candidate is not for sale, a Senator is not for sale, and that we will see that we are putting a prohibition on what an individual can give. That is what the amendment does.

Mr. President, I yield the floor.

Mr. SCOTT. Mr. President, I yield myself at this time 10 minutes on the bill so that I may yield to the Senator from Kansas (Mr. DOLE); but before doing that, I would like to point out a further evasion committed by this amendment. For example, if any three Senators running for office in 1972, of the same political party, get their heads together and organize a committee called "a Committee to Elect Senators We Like" or "a Committee to Elect Senators Who Will

Do What We Say," whatever they want to call it—and of course they will really call it "the Committee for Clean Government," I was only suggesting the real name—but they form a Committee for Clean Government and the three of them have an arrangement whereby they can get $5,000 from each contributor only, but the committee for clean government can get all the money it wants because it is not earmarked and you have tacit consent that it may be $150,000. To the candidates' immense surprise, they send $50,000 to candidate A, $50,00 to candidate B, and $50,000 to candidate C.

The Senator from Florida indicated that the committees can spend all they want. So long as they do not earmark it, they will get it. This implies that politicians were born yesterday. It also turns over to a bunch of newly created committees the function heretofore exercised by reasonably respected organizations know as the Democratic National Committee and the Republican National Committee. In deference to my friend from Kansas I should say highly respected, since he and I held that same job.

I now yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the Senator yielding to me. I see some great possibilities here, as the chairman of the Republican National Committee, and I have a few questions to ask the Senator from Florida.

As I understand part 2, there would be no limit on the amount of money any person might contribute to the Republican National Committee; is that correct?

Mr. CHILES. That is correct, unless he tried to contribute to a committee on behalf of an individual candidate.

Mr. DOLE. Unless it was earmarked, and I understand that part. Because President Nixon said I should be chairman, it would be all right for an individual to contribute $50,000 or $100,000 to the Republican National Committee; is that correct?

Mr. CHILES. In spite of what President Nixon said, he would be able to contribute.

Mr. DOLE. Right. Then I, in turn, as chairman of the Republican National Committee—and certainly Larry O'Brien also of the Democratic National Committee—under this amendment could make a distribution any way I saw fit insofar as a campaign was concerned, as the committee chairman, not as an individual.

Mr. CHILES. That is right. I mean, although the limitation was under the bill as to what the candidate's spending would be.

Mr. DOLE. Then I would not be guilty of any crime if I make a contribution as a chairman of a party to a candidate; is that correct?

Mr. CHILES. That is correct.

Mr. DOLE. Mr. President, secondly, does the limitation apply to both primary and general elections?

Mr. CHILES. Yes, it does apply. It is an overall limitation.

Mr. DOLE. So if we have John Doe, a millionaire, who contributes $5,000 to the nomination efforts of someone who wants to be elected President or Senator, he could not contribute $5,000 in the general election.

Mr. CHILES. Not individually; the Senator is correct.

Mr. DOLE. Then, he could contribute $5,000 in each calendar year. He could start preparing now for 1976 by contributing $5,000 each year, starting this year.

Mr. CHILES. The Senator is correct.

Mr. DOLE. I think it is important to point up that about all we do, as I understand it, is limit the amount that John Doe, whoever he may be, can contribute if he has money and if he is concerned about politics. He is more or less limited to contributing $5,000 to one presidential candidate, but he could contribute $5,000 to any number of senatorial candidates.

Mr. CHILES. Individually; the Senator is correct.

Mr. DOLE. So, he has to limit his contributions to a candidate for President which is rather unfair, for I think that a candidate for the Presidency is perhaps a little more important than a candidate for Senator. However, John Doe can contribute money to the national committees. Is there any limit to the number of committees to which he can contribute?

Mr. CHILES. As long as they were not set up individually for him, he could contribute to committees. But there would be a disclosure under the bill as to who was contributing.

Mr. DOLE. It occurs to the Senator from Kansas that disclosure is the way to solve the problem. However, it does appear that it would give the national committees much more power. I do not concur completely in what the Senator from Alaska said. However, it appears to me that if John Doe, a millionaire, could not contribute more than $5,000 to Mr. X's candidacy for President but could contribute to the Democratic or Republican National Committees an unlimited amount, it would put us in a strong position as chairmen of the national committees.

Mr. CHILES. I think he could contribute to the party now. Much of the money would be coming through the committee now. I do not know how that would change the matter.

Mr. DOLE. Mr. President, as a practical matter, we have great difficulty in the Republican National Committee—and I assume in the Democratic National Committee—raising money. It is particularly true in a presidential year. There is a lot of competition for the dollar. However, if the amendment is adopted, it would strengthen the position of the national committees and we could have, if we were so inclined, great stature in our positions.

Mr. PASTORE. Mr. President, is there any reason the Senator should not have?

Mr. DOLE. I want some, but not all of it.

Mr. PASTORE. How much does the Senator want?

Mr. DOLE. Not all of it but it appears that if we had all the money, we might even name the candidate.

Mr. PASTORE. The point is that this goes to the amount an individual could spend. This goes to what an individual could contribute.

If the Senator does not believe in a limitation he ought to be against the amendment. I am not trying to persuade anyone to go along with me. As a matter of fact, I went out of my way to make corrections in the modification so that it would be this way. It was a labyrinth of confusion before.

If the Senator does not go along with me, he can be as sincere as possible and vote against it. However, we are trying to limit the amount an individual can give to an individual candidate.

Naturally a President does not go around collecting money for a campaign. No one collects money for a President. His national committee does it. It is always done that way. That is done by the national committee, not by President Nixon. It was not done by President Kennedy or any other President. The national committee does that.

We do not want to do anything to render the national committee innocuous. We do not want to do that. If in the process we involve the person-to-person obligation, we are better off than if we make the democratic process weaker.

Mr. DOLE. Of course, in every presidential campaign, the Veterans Committee for HUMPHREY, the Veterans Committee for Nixon, the Citizens Committee for Nixon—I am sorry if I used that name without permission.

Mr. HUMPHREY. Go right ahead. I like it.

Mr. DOLE. Whoever might happen to be the candidate, could that candidate get $5,000 from an individual.

Mr. PASTORE. Not to each one. An individual can give any amount up to $5,000. If he has five committees, $5,000 can be given to each committee.

Mr. DOLE. What about the candidate for Vice President? Could he also give money to Vice President AGNEW, for example, if he is a candidate?

Mr. PASTORE. That is correct. Any person could give up to $5,000 to him or to any of the committees.

Mr. DOLE. Mr. President, in effect, the Vice President is elected because he is connected with the presidential candidate.

Mr. PASTORE. Well, he could lend the money to the President.

Mr. SCOTT. That would constitute another evasion.

Mr. PASTORE. There is no evasion involved.

Mr. CURTIS. Mr. President, some of us have heard about contributors who oftentimes give to both sides. Those givers could still give twice as much as the loyal supporters of those candidates if this amendment were to pass.

Mr. PASTORE. I think that the strong disclosure law that we will have would give him away.

Mr. DOLE. Mr. President, I share that view. Disclosure would take care of the fellow who plays both sides of the street.

Mr. PASTORE. They cannot straddle the road after this.

Mr. SCOTT. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, let me

say to the Senator from Kansas that in this amendment, as in any statute passed by Congress, it is possible to evade the law or to avoid the law or to just break the law. But we have to assume that people want to uphold the policy and standard which Congress sets. That is all we are doing. We are setting a standard and a goal for the American people. I think that it is worth setting. I hope that the Senate will adopt the amendment.

Mr. SCOTT. Mr. President, I have undertaken to yield to the Senator from Alaska. So I will yield 2 minutes to the Senator from Alaska and then turn over control of the time on this side to the manager of the bill on this side, the Senator from Vermont, who seeks recognition.

Mr. GRAVEL. Mr. President, is there a limitation in the bill on how much any political party or committee can spend on whomever might be their candidate? If a group for peace had $1 billion or $1 million, could they spend that as they chose?

Mr. PASTORE. Not if they are campaigning for the one candidate. All they can spend is up to the amount named. They cannot spend any money on the candidate's campaign without his permission.

Mr. GRAVEL. And what if they do not have it?

Mr. PASTORE. Then there would be a violation of the law if they were to do that. This is not my amendment that these questions are addressed to. I just sought to clarify the amendment. I just put in the amendment.

Mr. GRAVEL. I am trying to make up my mind. Although I agree with the Senator from Florida and I think this is a laudatory standard to achieve, I do not think the amendment will accomplish this. It will set into motion a brokerage system that we have gotten away from in which a person would become very powerful as a professional fundraiser. He would be able to go out and collect money and parcel it out and have great power, and yet not be an elected official.

Mr. PASTORE. I cannot imagine any person being in that position unless he happens to be chairman of either of the political parties, unless he happens to be Senator DOLE, chairman of the Republican Party, or Lawrence O'Brien, chairman of the Democratic Party.

Mr. GRAVEL. I disagree with the Senator. If I were to live in the Southwest and wanted to raise a lot of money to defeat peace candidates, I might have very good access to a very large sum of money.

I could parcel that sum out from one or two individuals to as many candidates as I might choose under this system, and it would actually be encouraged because they would be given this subterfuge. In other words, Mr. President, if you want to give a lot of money to a candidate, do it through a committee. I think the national commitees are clean, but it would open up a proliferation of committees.

Mr. PASTORE. Mr. President, I yield myself time on the bill.

The PRESIDING OFFICER (Mr. ROTH). The Senator from Rhode Island is recognized.

Mr. PASTORE. I answer that if there were no ceiling as to the amount of money that could be spent in the Senator's behalf the Senator would be correct, but the Senator must consider this amendment in the context of the entire bill. Whoever receives a dime from any person in any campaign has to disclose it under the law.

Mr. GRAVEL. But that is a virtue that would exist without this amendment.

Mr. PASTORE. But it does not exist today. That is why we are here.

Mr. GRAVEL. The Senator misunderstands me. That virtue exists in the bill, without this amendment.

Mr. PASTORE. That may be so but without this amendment any individual could give any amount without restriction. The Senator from Florida wants to do something about that. He does not want the money to come from not only any one particular source but from many sources. That is the approach of the Senator's amendment. If the Senator from Alaska does not go along with him he can vote against it.

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

Mr. PASTORE. Mr. President, on the bill, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I wish to ask a question for clarification. Much of the discussion has been about the national committees, but everybody knows we have State committees, county committees, and city committees. There is a county Democratic committee, a county Republican committee, a State Democratic committee, and a State Republican committee.

Does this particular amendment deny an individual the right to contribute to those committees that do not have particularly any one man in mind?

Mr. PASTORE. No; it would not change that at all.

Mr. HUMPHREY. An individual could make a $5,000 contribution to 50 State committees, and he could make a similar contribution to any number of county committees. Second, once that happened, insofar as individual amounts of expenditures are concerned, how do we measure out, for example, if the Democratic committee of my State decides to run a full-page ad for all the candidates in 1972, starting with the presidential, vice-presidential, and county candidates?

Mr. PASTORE. It would have to be exposed to the Senator from Minnesota and they would have to get his consent to do it for him. In other words, the Senator would become responsible for any act done in his behalf. That is why this is a strong bill.

If Senators think it should not be that strong, it should be weakened, but we have made this a strong bill.

If anyone who conducts a campaign in the Senator's behalf or spends money in the Senator's behalf, that is chargeable to the Senator and it cannot be done without his permission.

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

Mr. PASTORE. I yield.

Mr. SCOTT. Suppose, in that county and in that State there is no one running for Federal office except one person. Now, someone has exhausted his $5,000 to that person but would like to give it through the county committee and the county committee gives it to the only candidate running for Federal office in that State. Is that an evasion?

The Deputy Attorney General said that if that is done, there could be prosecution for a felony.

Mr. PASTORE. I do not think so. All he would have to do is declare——

Mr. SCOTT. Then, he has given $10,000, so the only one who can receive the $10,000——

Mr. PASTORE. We are not talking about receiving. I thought we had corrected that.

Mr. SCOTT. No one is vaccinated against receiving the money.

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

Mr. PASTORE. I yield.

Mr. CANNON. This is right back where we started. This is section 608 of the code, title 18, and we are just rolling it back.

I think we are destroying this bill if we continue as we are going now. We are rolling it back to where it has been over the years. We have found it is not a good law. All of the witnesses testified to that effect. We have tried to make a good law.

Mr. SCOTT. Not only destroy the bill but invite a veto just as sure as this is left in.

Mr. PASTORE. I want to make the further point that I am not here to destroy the bill. Everybody knows that. I have made that clear. Let us get this matter straight.

One of the complaints that has been made is that we have a Corrupt Practices Act today, and under that Corrupt Practices Act, all that can be given is $5,000. That is the law today. This figure of $5,000 has not been picked out of the sky. It is in the law today.

The only trouble with the law today is that you can give $5,000 to 50 committees for the same candidate. That is what we are removing here. All we are saying is, "You can give the $5,000, but insofar as giving it to various committees, you are confined to $5,000 in the aggregate."

What we are doing is removing the loophole. That is all we are doing. We are removing the loophole.

Mr. CANNON. Mr. President, I respectfully have to disagree with my colleague. We are simply widening the loophole.

Mr. PASTORE. I do not think so.

Mr. CANNON. We say you cannot give more than $5,000 to all committees for HUMPHREY, let us say, but you can turn around and give $5,000 to as many committees as you want—State, national, and county committees and they can turn around and give HUMPHREY a good part of that money.

So we are not doing one thing in this that is not covered in section 608 of the present code.

Mr. PASTORE. Mr. President, the Senator has disagreed with me and I can disagree with him. The point which he complains of exists today. You can give a county or a State committee all you

want to. We are not affecting that at all. That is under State law.

All we are saying is, with respect to the abuse today, where a person can set up 50 committees and give 50 committees $5,000, we are cutting that out. We are correcting a loophole. That may bring about a veto. I do not know.

The question has been raised time and time again that the trouble was not with the $5,000 limitation, but the idea that you can multiply that $5,000 by many different committees. We are cutting that out and saying that no matter if there is one committee or 50 committees, the aggregate can be only $5,000. We are closing that loophole.

Mr. HUMPHREY. Mr. President, I think the Senator made a very able point. If we are looking for an amendment to cover all possibilities of the evasion it is not going to be decided here—maybe in heaven, but not here—because the ingenuity of the human mind is beyond comprehension.

Mr. PASTORE. They would not do it in heaven because there are no politicians up there.

Mr. HUMPHREY. JOHN, speak for yourself.

Mr. SCOTT. What you would be doing would be to put Presidential candidates in purgatory.

Mr. HUMPHREY. It does place a guideline and a standard and it will, as the colloquy has demonstrated, strengthen the respective political committees, both Republican and Democratic committees.

I think one of the great errors in politics is the proliferation of committees. They destroy political responsibility.

The important thing is, first, to account for contributions; second, to account for disbursements and expenditures; and third, to place ceilings on how much can be expended. In other words, accountability, and that is more important than all the detail we write into this bill. It is the exposure that would be gotten; the fact that you could not disguise, avoid, or evade. That is what is important in this bill.

Mr. PROUTY. Mr. President, I yield myself 5 minutes on the bill.

I think we are missing the entire question before us. I want to read again from the amendment, as modified.

> No person * * * may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office.
>
> No person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of an aggregate amount of $5,000 during any calendar year.

I think that means no candidate can receive more than $5,000 from any individual.

Does the Senator from Rhode Island agree with that?

Mr. PASTORE. That is correct.

Mr. PROUTY. Suppose there are 35 or 50 committees spread throughout the country, in support of various candidates. I am solicited or somebody solicits me to contribute to a half dozen or more of those committees. I have already given $5,000. Actually, I do not have the money, but if I had it, suppose I gave to some candidate for Federal office. I have also been asked to contribute to various other committees. I do not know how they are going to spend that money or on what candidates. I think disclosure is going to put us in an impossible situation.

The Deputy Attorney General summed up the problem before the committee when he said:

> Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor. In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.

I think the central issue is that we are perhaps going to create, or perhaps result in bringing, charges against innocent contributors.

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

Mr. PROUTY. I yield.

Mr. DOLE. I trust this is not a frivolous question but there is nothing that says one cannot contribute $5,000 against some candidate. This amendment says on behalf of a candidate. One could organize a committee against President Nixon and he could give $5,000 or $10,000 or $50,000 to that committee. This provision speaks in a positive way of being for a candidate. Nothing prohibits a man from giving to a committee against a candidate. So one could give a million dollars against a candidate but only $5,000 for a candidate for President?

Mr. PASTORE. The answer is that the question is not frivolous, but the fact is that when they begin to bandy money around, the person who is running against Nixon has to account for it, because he cannot use it without disclosing it.

Mr. DOLE. Even if he is supporting no candidate?

Mr. PASTORE. Of course, there is free speech.

Mr. DOLE. There is a "Committee on Good Government."

Mr. PASTORE. What does that mean? Everybody is for good government, but the minute they mention the name "DOLE" or "PASTORE," they had better add that.

Mr. BAKER. Mr. President, if the Senator will yield, we have discussed this at some length. I think the Senator will agree that this limitation will apply only to radio or television. If someone were buying an advertisement for some particular candidate, the advertisement would be subject to a limitation, but there are a hundred other things one can do against a candidate which are subject to no limitation.

Mr. PASTORE. That is right. In other words, one could come out against the Vietnam war and people would have to decide whether he was for or against a candidate. We could not write a law to cover that. Somebody raised the point, what if a faculty got together on a candidate and they wanted to put an advertisement in the paper, "Ban the Bomb." We cannot stop that. Perhaps many of us would not want that done; perhaps many would. We cannot provide for everything.

Mr. BAKER. While it is not possible to have a perfect limitation on advertisements against a candidate or in favor of some abstract issue, it is possible to do something. This amendment is completely devoid of any restriction at all in that respect. I think the distinguished Senator from Kansas is entirely right when he says this amendment applies simply to expenditures for a candidate, while there is no prohibition against contributions directly or indirectly against a candidate. I think we should do something, but I do not think we should approve this amendment.

Mr. PASTORE. If I may make my reason clear, my substitute does not include the provision we are talking about now. As a matter of fact, there is no limitation on contributions in my substitute, because I followed the recommendation of the Committee on Rules and Administration, and it insisted that it be written the way that committee thought it should be written. I did not disturb that at all.

I am saying to Senators and I can live with or without the amendment. I shall vote for the amendment, if it comes to a vote, because I feel what we are doing is adopting an amendment directed against abuse of a multitude of committees. I think we have done that. But I say, frankly, every Senator is left to his own conscience. It would not bother me which way this amendment goes. I think we have talked about it from every angle and we ought to bring it to a vote. If Senators vote it up, it is all right with me. If they vote it down, it is all right with me, because the name of the game in this bill is the limitation, the ceiling, a candidate can spend, and full disclosure.

Mr. PROUTY. Mr. President, I yield to the junior Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, one clarification. This amendment does have a prohibition on committees and the amount that can be contributed to them. What is sought here is to prevent dumping $5,000 in various committees, because then the candidate will not have any control over that. Then you set up a power system that will operate within our system, and I submit that ill is greater than the ill we are trying to correct.

Mr. PASTORE. That is not so, because the minute that money is spent, the candidate is responsible.

Mr. President, I yield 10 miuntes to the Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, there has been so much discussion that the Senator from Virginia is a little confused as to just what this amendment does do.

First let me say that I favor a limitation on campaign spending. The record will show that I supported the bill which passed the Senate last year, presented by the Senator from Rhode Island.

I favor the Pastore bill, S. 382, which is before the Senate today. The RECORD

will show that a few minutes ago the Senator from Virginia supported the placing of a limitation on the amount that a candidate himself or his immediate family may contribute to his campaign.

Now we get to the amendment under consideration. As I say, there has been so much discussion that I may not be certain that I undertand the facts, and that is the only reason why I wish to discuss the amendment.

As I understand the Senator from Rhode Island, a candidate for the Senate, to take an example, may receive a contribution up to $5,000 from one individual. I understood the Senator from Rhode Island to say the same individual may make a contribution to the Democratic senatorial campaign committee or to the Republican senatorial campaign committee. Such committee, in turn, may funnel back that $5,000 to the candidate.

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

Mr. BYRD of Virginia. I yield.

Mr. PROUTY. Not if he has already contributed to the candidate.

Mr. PASTORE. No, no; the Senator from Virginia is correct. He may give the $5,000, as I understand the amendment, to a committee in the candidate's behalf. Is that correct?

Mr. CHILES. That is correct.

Mr. PROUTY. If the Senator will read the language, he will see that that is not so:

> No such person . . . may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office.

That means whether the money comes from the Democratic National Committee, a county committee, a State committee, or a committee for effective government that may be established anywhere in the country. How is it going to be possible for any committee to know the facts?

Mr. BYRD of Virginia. I am trying to establish exactly what the amendment does. The Senator from Vermont has one interpretation; the Senator from Rhode Island has another interpretation.

Mr. PASTORE. I am not the sponsor of the amendment. The sponsor is the Senator from Florida (Mr. CHILES). I made certain corrections and asked him questions, and that is what he told me.

Mr. CHILES. I think with the additional language, if the Senator reads subparagraph 2, he will see that no such person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of an aggregate amount of $5,000. You have to read section 1 and section 2 together; that will, in effect, allow contributions in an amount of $10,000.

Mr. PROUTY. Mr. President, if the Senator will yield further, that does not have the effect the Senator intends.

Mr. CHILES. I refer to line 8 on the first page. I think you have to read the language in the total of the two paragraphs.

Mr. PROUTY. If I may say so to the Senator, that is what I have been doing.

[Several Senators addressed the Chair.]

Mr. PASTORE. The Senator from Virginia has the floor.

Mr. BYRD of Virginia. I yield to the Senator from Nevada.

Mr. CANNON. I thank the Senator.

Mr. President, this is exactly the problem that the Deputy Attorney General directed himself to when he appeared before our committee. He pointed out that inadvertently situations like this could occur, that a person might make a $5,000 contribution to a candidate, and might make another $5,000 to a political committee which, in turn, turns around and pays $3,000 of that amount back to the candidate, and that would be a violation of the law, even though it might be inadvertent.

That was one of the reasons, as I understand it, that he said, first, that he believed it was unconstitutional, and second, that he believed that it was unenforceable, and he also said that it would lead to many inadvertent violations of the law, and I must say that I think the Senator from Vermont has made a good point there, that in section 1 where it says that no person can make a contribution directly or indirectly of more than $5,000 in a particular year to a particular candidate, certainly, if he has made another $5,000 or $10,000 or $50,000 contribution to a committee that is not for a particular candidate, which he has a right to do, and that committee turns around and makes a contribution back to the candidate, that certainly is an indirect contribution to the candidate.

Mr. BYRD of Virginia. Mr. President, in that regard, there is nothing in this amendment—I suppose I should address this question to the Senator from Florida: There is nothing in this amendment to prevent the same individual who has made a contribution to a candidate from making a similar $5,000 contribution to the Democratic senatorial campaign committee or the Republican senatorial campaign committee; is that correct?

Mr. CHILES. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator from Virginia yield to me?

Mr. BYRD of Virginia. I yield.

Mr. GRIFFIN. As I understand it, it is not limited to $5,000 to the national central campaign committee; he can make a $100,000 contribution to either committee, under the amendment.

Mr. BYRD of Virginia. May I ask the Senator from Florida, is that correct?

Mr. CHILES. That is correct. It is correct today, and it would be correct under this amendment.

Mr. BYRD of Virginia. Then we are not putting a ceiling on campaign contributions by this amendment.

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

Mr. PASTORE. I give the Senator 5 minutes more. Is that enough?

Mr. BYRD of Virginia. No, I do not believe it is. Let me take that, and we will see how we get along.

Mr. PASTORE. All right.

Mr. BYRD of Virginia. This is a very important matter.

Mr. PASTORE. I know, but I want to say this to the Senator from Virginia—and I hope I do not assume the position here today that this is my amendment. I keep saying that time and time again It is not in my substitute.

Mr. BYRD of Virginia. No, I am not aware of that.

Mr. PASTORE. But something has just happened here that has boxed us in. What we have done here today has put us in the position that no one can spend more than $35,000 of his own money to run for the Senate, and yet we are saying, in the same breath, that anybody else can give him $1 million. Is that not ridiculous? If we had not agreed to the amendment, I will say frankly, I do not think we should agree to this one, but where we have boxed ourselves in by saying, a short while ago, that nobody can spend more than $35,000 of his own money, but he can collect more than a million dollars from someone else for his campaign—is that not ridiculous? I say both provisions ought to go out, or both provisions ought to go in, and that is the reason I am on my feet.

Mr. BYRD of Virginia. I have the floor, as I understand it.

Mr. PASTORE. And I will give the Senator 10 minutes.

Mr. BYRD of Virginia. I am not arguing either for or against the amendment right now. I am trying to understand the amendment. I am not sure other Senators understand the amendment, and I do not think we ought to vote on it until we do understand it.

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

Mr. BYRD of Virginia. In just a moment. I want to say to the Senator from Rhode Island that I am not in favor of taking the lid off and permitting people to spend a million dollars. What I want to do is correct that, but I submit that the amendment does not do that, if I understand it correctly.

Mr. PASTORE. If the Senator will yield, I did not intimate that at all. The reason I am making speeches this afternoon is that I voted to table the former amendment because I did not think it had any place in this measure. I think if a man wants to run for public office and has the money, and there is only so much he can spend, why should he not use his own money? It is a precious possession; if he wants to become a Member of the Senate, and can afford it, and can exceed what the amendment prescribes, why should we stop him for using his own money, and make him go around and try to collect it from somebody else? But I say, also, there ought not to be any limitation to what someone else can give him.

Mr. BYRD of Virginia. I am not taking that attitude.

Mr. PASTORE. I understand.

Mr. BYRD of Virginia. But I do not believe this amendment accomplishes what the Senator from Rhode Island wants to accomplish.

Mr. MATHIAS. Mr. President, will the Senator yield for a short comment? I believe it might throw some light on the question in the Senator's mind.

Mr. BYRD of Virginia. I will yield to the Senator from Maryland and then to

the Senator from Tennessee, but then I want to address my question to the Senator from Florida.

Mr. MATHIAS. In the amendment that the Senator from Florida and I have cosponsored, we provide this language:

> No such person may contribute directly or indirectly to political committees or on behalf of candidates in excess of the aggregate amount of $5,000 during any calendar year.

But I wish the Senator from Virginia would remember that this is an amendment to the bill, and he has to go back and read the bill. And if he will go back and read the bill, there are some definitions which will help him in an overall understanding of what is being done.

Mr. BYRD of Virginia. If the Senator will yield, I am not arguing against the amendment or for the amendment. I am trying to understand the amendment.

Mr. MATHIAS. That is what I am trying to help the Senator with.

On page 14 of the bill—and I am talking about the Pastore substitute—in line 21, the word "person" is defined as meaning an individual, partnership, committee, association, corporation, or any other organization or group of persons.

If you read these 2 sections together, it will be found that what we are trying to do here—and I do not know whether it will help the passage of the amendment or hurt it, but I think people ought to understand it—Senators will find that taken together, it does form a substantial limitation, and I think that if the Senator understands that, he will understand that we are doing something here which will change the political mores of America.

Mr. BYRD of Virginia. I yield now to the Senator from Tennessee, and then I should like to put some questions to the Senator from Maryland or the Senator from Florida.

Mr. BAKER. Mr. President, I thank the Senator from Virginia.

The PRESIDING OFFICER. The Senator's initial time has expired.

Mr. PASTORE. How much time would the Senator like to have?

Mr. BYRD of Virginia. Twenty minutes.

Mr. PASTORE. I yield 20 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, the Senator from Oregon would like to make a brief unanimous consent request. I wonder if the Senator would yield to him for that purpose?

Mr. BYRD of Virginia. I yield.

Mr. PACKWOOD. Mr. President, since I intend to propose several amendments to this measure, I ask unanimous consent that my legislative assistant be permitted to remain on the floor during votes, so that I might work with him during that period of time.

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

Mr. BAKER. Mr. President, I do not want to reargue the merits of this amendment. I have done that on previous occasions this morning and this afternoon. But I would like to point out another uncertainty of interpretation, in my view, in this amendment.

The Senate agreed this morning that section 608(a)(1) provides that no person may make contributions, directly or indirectly to any candidate for Federal office, in excess of $5,000; and I think there is reason to believe that the word "contribution" includes contributions by any committee to that candidate. I think it is entirely possible that a contribution to the Republican National Committee of, say, $100,000, distributed in part to the Senator from Virginia or the Senator from Tennessee, would fall within the prohibition of this section.

I caution that the felony provisions of this statute apply to the candidate as well as to the donor.

I also respectfully point out that section 2, when read in para materia—as the distinguished Senator from Florida correctly indicates we should—with the rest of the amendment and the rest of the bill, does not help much; because I, for one, am not in a position to say with certainty, as a matter of legal interpretation, that the added language "on behalf of any candidate," which appears after the word "committees," modifies and relates to contributions on behalf of a candidate or committees on behalf of a candidate. I think it is equally susceptible to either interpretation.

It seems to me that the Senator from Virginia is doing a signal service to the Senate in trying to clarify the meaning of these terms; that the amendment, even as modified, is still ambiguous; and that it does not lead to the results being espoused and not necessarily to all the results being criticized. The fact remains that we are in a morass of uncertainty so far as this amendment is concerned, and I think we are headed for disastrous trouble unless we clear it up.

Mr. BYRD of Virginia. I thank the Senator.

I put this question to the Senator from Florida and the Senator from Maryland, who I understand are the cosponsors of the amendment.

The distinguished Senator from Michigan stated on the floor a few moments ago that an individual could contribute $100,000 to the Republican senatorial campaign or the Democratic senatorial campaign. Is that statement correct?

Mr. CHILES. I think that is correct.

Mr. BYRD of Virginia. Then, there is no restriction as to how much of that $100,000 can be put to the use of any particular senatorial candidate anywhere around the country. I assume that is correct.

Mr. MATHIAS. I would recall to the Senator the definition of "person" which I just read. I believe it is on page 14 of the Pastore version of the bill. It includes within the definition of "person" a committee or an organization. Under those circumstances, if "person" is to be taken to include a committee and if a person as so defined is restricted in what he can give to any single candidate, we do have some restriction.

Mr. CANNON. Mr. President (Mr. CHILES), will the Senator yield, so that I may answer on that point?

Mr. BYRD of Virginia. I yield.

Mr. CANNON. The Senator must take into consideration the language of the proposed amendment that is now pending, for section 208, which says "No person" and then, in parenthesis, "other than a candidate or political committee." So this has made an exclusion of the political committee, which technically falls within the definition of "person" on page 14 of the original bill.

Mr. MATHIAS. I agree that that is what the bill should say. I have some apprehension. But perhaps we can clear it up by this colloquy, that we do not need it, because the section to which the Senator refers talks about contributions to a candidate. The succeeding section talks about no such person and imposes the $5,000 limitation.

I raise this point so that we can have absolute clarity. The Senator from Virginia is doing a great service by helping us to reach this clarity.

Mr. BYRD of Virginia. Let me phrase it this way: Mr. X contributes $5,000 to a senatorial candidate in a particular State, and then he contributes $100,000 to the senatorial campaign committee. Can the senatorial campaign committee then make a contribution for the benefit of the particular candidate concerned of $5,000 or $50,000 or $25,000, or any other figure they wish to contribute?

Mr. MATHIAS. I was diverted for a moment. Would the Senator repeat that?

Mr. BYRD of Virginia. I will restate it.

Mr. X makes a $5,000 contribution to a candidate in the State of Maryland, let us say, a Republican candidate in the State of Maryland.

Mr. MATHIAS. I do not recall any such contribution.

[Laughter.]

Mr. BYRD of Virginia. Mr. X also makes a $100,000 contribution to the Republican Senatorial Campaign Committee. Can the Republican Senatorial Campaign Committee make a contribution of $5,000 or $50,000, or any other amount, for the benefit of the Republican candidate in Maryland?

Mr. MATHIAS. That is the assumption we have been working on——

Mr. PASTORE. No; that answer is "Yes." I think that ought to be explained to the Senator from Virginia. We have gone through that. The answer to that is in the affirmative.

Mr. BYRD of Virginia. That is what I am trying to establish.

Mr. PASTORE. I think we ought to clear the record, not use a lot of "ifs" and "buts."

Mr. MATHIAS. I think we agree that that is the way it ought to be.

Mr. PASTORE. Whether it is right or wrong, the answer is "Yes."

Mr. BYRD of Virginia. So there is no limitation as to the amount that the Senatorial Campaign Committee, whether it be the Republican Senatorial Campaign Committee or the Democratic Senatorial Campaign Committee, can contribute to a particular candidate. The answer is "Yes."

Mr. PASTORE. The answer is "Yes." That is why we knocked out the $75,000 limitation.

Mr. BYRD of Virginia. There is no limitation.

Mr. PASTORE. There is no limitation now.

Mr. BYRD of Virginia. Let us get to another candidate. Let us take a candidate in the State of Maryland, or in the State of Virginia, who is a candidate for the Senate as an independent. He does not receive $1 from the Democratic Senatorial Campaign Committee, not $1 from the Republican Senatorial Campaign Committee. As I understand it, he is restricted, then, to a total contribution of $5,000. His Democratic opponent can get x number of dollars, without limit. His Republican opponent can get x number of dollars, without limit. Is that correct?

Mr. MATHIAS. That is correct. But I point out that he is not restricted in what he might get from the Good Government in the Old Dominion Campaign Committee, which would be the counterpart of the regular party committees.

Mr. BYRD of Virginia. In other words, if there were a committee called Virginians for Byrd, as there happened to be last year, that committee would be considered in the same context as the Republican and Democratic Senatorial Campaign Committees and could receive unlimited funds?

Mr. CANNON. No. That committee could not.

Mr. BYRD of Virginia. That is what I thought.

Mr. CANNON. Because that is a committee for a specific candidate. Therefore, it would be limited to a $5,000 contribution from a contributor.

Mr. BYRD of Virginia. That is the way I understand it.

Mr. CANNON. If that contributor had already contributed to some other committee for BYRD, they could only contribute, in the aggregate, $5,000.

Mr. PASTORE. That is correct.

Mr. BYRD of Virginia. I thank the Senator. That is my understanding of it.

I ask the Senator from Maryland—is that not correct?

Mr. MATHIAS. I think the Senator has stated it correctly.

Mr. BYRD of Virginia. I admit that not many individuals run as an Independent, and perhaps no one should run as an Independent; but I do not think a man should be precluded from running as an Independent.

Yet, by this amendment, if a man runs as an Independent, his contributions would have to be held down to $5,000; but if he were a nominee of a party, he could get x number of dollars in unlimited amount.

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

Mr. BYRD of Virginia. I yield.

Mr. YOUNG. Suppose a candidate could not spend more than 10 cents a vote and his committee was given $50,000 and he was not allowed to spend more than $30,000. Could he take the other $20,000 himself? What would happen to the other $20,000?

Mr. BYRD of Virginia. I am frank to say that I am not competent to answer that question, it should be answered by the manager of the bill.

Mr. PASTORE. The answer is very simple. He would be compelled to give it back.

Mr. MATHIAS. Common sense might enter the procedure earlier than that. He might not get more than he could spend in the first place.

Mr. CANNON. Furthermore, there is no such limit as 10 cents a vote—an overall limit.

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

Mr. BYRD of Virginia. I yield.

Mr. COOK. I should like to expound on the theory that I think the Senator has correctly stated. The candidate also finds himself in the position that he must use at least a degree of subterfuge to set up an all-encompassing national committee that does not have his name attached to it so that it can receive the sums and utilize it in his campaign, whereas in the long history of the Republican senatorial campaign committee and the Democratic senatorial campaign committee, their ability and reach are all over the United States. The independent who finds himself in that position who runs is either totally limited to his own area or else sets up or has set up for his benefit a committee for an independent slate of candidates, where they can reach into the entire United States for resources. The independent candidate is totally restricted as to the sphere of influence that such a newly created committee could establish between the time of its creation and the time of the election.

Mr. BYRD of Virginia. That is my understanding exactly, what the Senator from Kentucky has just stated. It seems to me that what this is doing is discriminating against every candidate except a candidate running on a major party ticket.

When I first ran for the Senate, the Conservative Party put up a candidate against me. If this amendment had been enacted into law at that time, I would have been entitled to have obtained as much money as I wished, or as they were willing to give me, from the Democratic senatorial campaign committee. But the conservative candidate, and the Socialist candidate, which that party also put up against me, did not have any senatorial campaign committee. So I would have been able to draw unlimited funds from my committee to the extent that they were giving me money from the Democratic senatorial campaign committee. So that those opponents would have been discriminated against.

However, in the past election, I would have been discriminated against, in that the Republican senatorial campaign committee could have made an unlimited contribution to its candidate, as could have the Democratic senatorial campaign committee. But I, as an Independent, would not have been able to be in that position. A limit would be put on a conservative candidate, a Socialist candidate, a progressive candidate or an independent candidate—but there would be no limit on the contributions which could be received by a Democratic candidate or a Republican candidate.

Mr. BAKER. Mr. President, if the Senator from Virginia will yield to me briefly, I should like to add one point to the element of confusion here, if the Senator will permit me to do that, and I apologize to him in advance. If the interpretation is correct, that there is no limitation on what someone may give the Republican or Democratic senatorial campaign committees and they, in turn, can give to a candidate for President, or a candidate running for the Senate or House of Representatives, what happens to the amendment that we just passed? What happens to the limitation on contributions by a candidate to his own campaign?

Mr. PASTORE. Is the Senator speaking to me?

Mr. BAKER. I was speaking to the Senator from Virginia (Mr. BYRD) but I expect that the Senator from Rhode Island may have some comment to make. I wonder what happens to the amendment we just adopted on limiting personal contributions. Might we not have a situation where X candidate for President is limited to, say, $50,000 that he can contribute of his own funds, but he can contribute $1 million to the Democratic National Committee which, in turn, will advance it to the committee?

Mr. PASTORE. That is exactly what bothers me. I tell the Senator, frankly, that is why I voted to lay the amendment on the table.

Mr. BAKER. I think we should reconsider this whole thing and start all over.

Mr. PASTORE. I tell the Senator frankly, the position I take is, if we are going to keep the limitation as to what a candidate can spend of his own money, we should have a limitation on what contributions he can receive.

Mr. BYRD of Virginia. Mr. President, I have several other questions I want to try to clear up.

I want to preface this question by saying, since I am going to quote the Senator from Rhode Island, that the Senator from Rhode Island is not the author of the amendment we are discussing. He has merely been attempting to interpret it, as I understand it. But, he is not the author.

Now in the colloquy the Senator from Rhode Island had with the Senator from Minnesota, as I understood it, the Senator from Rhode Island replied in the affirmative when the Senator from Minnesota made this statement: Under this amendment is it possible for an individual to make a $5,000 contribution to State committees, city committees, county committees, local committees, of all types. I understood the Senator from Rhode Island to reply in the affirmative.

Now, in Virginia we have 96 counties and 36 cities. Thus, we have 96 Democratic committees in the counties and 36 Democratic committees in the cities, making 132 units. We have the same number of Republican committees.

Do I correctly understand that an individual, if he so desired, could make a $5,000 contribution to each of the committees? Am I correct on that?

Mr. PASTORE. Provided that com-

mittee was not set up for you as a candidate, except——

Mr. BYRD of Virginia. It is a recognized——

Mr. PASTORE. That is right. In other words, it is for the Democratic Party of the State and the answer is "Yes." Your answer is "Yes".

Mr. MATHIAS. I concur fully.

Mr. PASTORE. That would have to be apportioned to his expenses.

Mr. BYRD of Virginia. I am trying to get the contribution side. An individual could contribute $5,000 to 132 different committees; is that correct?

Mr. MATHIAS. That is correct, so long as he does not earmark the contribution, or so long as the committee is not prima facie for a single candidate.

Mr. BYRD of Virginia. Now we come to the independent candidate. Can he set up 132 different committees and have one individual contribute $5,000 to each of those committees under the amendment, I ask the Senator from Maryland?

Mr. MATHIAS. He can give $5,000 to each committee, yes, and contribute to the committee $5,000, so long as it is not earmarked, or so long as it is not for a single candidate.

Mr. BYRD of Virginia. How would the Senator get away from the single candidate? Here is a man who is running for a specific office, at a specific time, as an independent candidate.

Mr. COOK. If I could interject there, if I understood the Senator from Nevada (Mr. CANNON) correctly, he could not—that if those committees were set up and there was one independent candidate, and only one independent candidate, then he could only give $5,000 in the aggregate. He could not give $5,000 to each one of the 132 committees.

Mr. MATHIAS. Let me say to the Senator from Virginia (Mr. BYRD) that I was assuming there would be more than one independent candidate.

Mr. BYRD of Virginia. The Senator could not assume that, because last year there was only one independent candidate.

Mr. MATHIAS. Then I would have to agree with the Senator.

Mr. BYRD of Virginia. Then a person who wants to run on some other ticket is in a very serious, if not an impossible, disadvantage, whether he runs on the Conservative ticket, as one individual ran against me, or whether he runs on the Socialist ticket, as one individual ran against me. It likewise would put the independent candidate at a great disadvantage.

Mr. PROUTY. If the distinguished Senator from Virginia will yield to me briefly, I do not think, the way this amendment is drafted, that the 132 committees the Senator refers to could give more than $5,000 to an individual candidate, or to the Democratic or Republican committees either.

Mr. BYRD of Virginia. The Senator from Maryland answered the question in the affirmative. I do not know. All I am doing is seeking information.

Mr. GRIFFIN. Mr. President, if the Senator will yield, looking at the language, it says that no person other than a committee or a political committee may make contributions. That excludes the political committee.

The PRESIDING OFFICER (Mr. HART). The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I would like a little extra time.

Mr. PROUTY. I shall be glad to yield 5 minutes on the bill to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I think we had better understand what we are doing with this amendment.

Let me take a little time here, because I want the record to be straight. During my last campaign I reduced the amount of advertising I had planned to use in the last 10 days of the campaign because I was determined to go on a pay-as-you-go basis.

I also asked my finance chairman to put a limit on any individual contribution.

I am proud to say that my campaign committee received contributions from about 6,000 individual contributors.

Never before in Virginia have so many individual citizens contributed to a political campaign.

I agree with the statement made on the floor the other day by the Senator from Rhode Island (Mr. PASTORE). He said that he thinks half of the money is wasted in campaigns. I agree. However, the problem and the trouble is that we never know which half is wasted.

We must get campaign spending under control. But this amendment does not do it. It leaves the matter wide open. There is no limit on the contributions one can make to committees under this proposal. I think that before we adopt the amendment, we should be sure of what we are doing.

I voted for the Campaign Reform Act proposed by the Senator from Rhode Island in the last session of the Congress. I support his proposal in this session of Congress. But this particular amendment—which is not the Senator from Rhode Island's—would just wreak havoc, it seems to me, with anyone who desires to run as a Progressive, a Socialist, a Conservative, or an Independent, or anyone else who chooses to run on a ticket outside of the party structure.

What we would be doing in the Senate is saying, "We will not consider anyone unless he is in the party structure. We in the campaign committee here in Washington will determine how much this candidate will get and how much the other candidate will get. And we will parcel it out in whatever amounts we want to and make them beholden to us."

The amendment would put no limit on contributions to established party campaign committees. I think there should be such a limit.

The amendment is unsound and should be defeated.

Mr. COOPER. Mr. President, will the Senator yield so that I may make a motion to reconsider?

Mr. BYRD of Virginia. I will be glad to yield.

Mr. SCOTT. Mr. President, I would like to join in the motion to reconsider since I also was on the prevailing side.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Mr. President, am I correct in saying that the pending amendment is on page 11, line 15, to strike——

Mr. BYRD of West Virginia. Mr. President, would the Senator use his microphone? We cannot hear him.

The PRESIDING OFFICER. The Senator from Kentucky may proceed.

Mr. COOPER. Mr. President, is the pending amendment the amendment on page 11, line 15, to strike "and 614" and insert in lieu thereof "614 and 615", going down through section 203, subsection (a), subsection (2).

The PRESIDING OFFICER. The Chair would like to confer with the Parliamentarian.

Mr. COOPER. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I be permitted to make a motion to reconsider the amendment which was previously considered.

The PRESIDING OFFICER. Is there objection?

Mr. CHILES. I object.

Mr. COOPER. Mr. President, I voted for the previous amendment. So, I am, in a parliamentary sense, permitted to ask for reconsideration of the amendment. After looking at the record of the Committee on Rules and Administration, on which I serve——

The PRESIDING OFFICER. The Chair must first inquire as to who is yielding time to the Senator from Kentucky.

Mr. PROUTY. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, after studying the report following our discussion, I think the adoption of the previous amendment was inconsistent with the position we took in the committee, and that is that there should be no limit on contributions. However, we took that position, as I know has been explained many times in the debate, first, because we thought it was practically impossible to enforce the limitation of $5,000 or any other limitation; second, because the disclosure was the best method to apprise the people of the sources of contributions made to the defendants; third, because the Deputy Attorney General, Mr. Kleindienst and the other witnesses testifying before the committee expressed the view that to impose a limitation on contributions was not correct from the constitutional standpoint.

Under the first amendment of the Bill of Rights, the contribution to a candidate would probably have the same constitutional protection as would a person speaking on behalf of a candidate. That is a method of expressing support.

I think that the best way to end this controversy, if it is possible, would be to move to reconsider. Then, if the motion to reconsider is successful, we would vote on the prior amendment on its merits. If that should be successful, I think we will have solved the situation. As I un-

derstand it, I am not permitted to make the motion at this time unless I secure unanimous consent.

Mr. AIKEN. Mr. President, will the distinguished Senator from Rhode Island yield me 1 minute?

Mr. PASTORE. I yield to the Senator from Vermont.

Mr. AIKEN. I have one rather important question to ask. I am sure that the answer will be very much appreciated by the distinguished junior Senator from Louisiana. I understand the problem of a candidate who is not a candidate of either major party. However, assuming that the nominee is the candidate of both parties, could he accept twice as much in the way of contributions to which he would be entitled to?

Mr. PASTORE. If he collects twice as much as he is allowed to spend under the law, then he can only spend up to the limit of the law.

Mr. AIKEN. I understand, but he would have to defend himself against a write-in campaign, and he would need more money.

Mr. PASTORE. He does not need to spend money if he has the endorsement of both parties. And the nearest thing to it is the Senator from Vermont. I understand that he only spent 17 cents the last time out.

Mr. President, there may be misunderstanding on the part of some Senators as to what happened here and also on the part of the press. What we are interested in here is a campaign spending bill that will make some sense. I know that we cannot solve all the problems of the world with one stroke. No matter what kind of bill we pass, we may achieve nearness to perfection, but there will never be perfection.

Paradoxically, the situation we are in at the present moment is this: There seems to be a tremendous amount of resistance to a limitation of $5,000, for the reasons that have been expressed on the floor of the Senate. If the amendment does not carry, we shall be left in the position that the sky is the limit as to what a person may contribute to another person's campaign. Yet this is the irony of it all. Only a short while ago we adopted an amendment which provided that an individual may not spend more than $35,000 of his own money for his own campaign, but that he may spend $1 million for somebody else's campaign.

The point I am making is that if we are to keep a limitation on what a person may spend for his own campaign, we have to go along with this amendment. We have to be fair. On the other hand, if we are not going to go along with this amendment, then, of course, the previous amendment would present a rather awkward situation.

This is a very, very controversial area. I said so this morning. It was controversial when it was before our committee. I do not want to do anything to jeopardize the bill. I have heard some mutterings here—some of it perhaps substantiated, some of it perhaps gossip—that if these two amendments creep into the bill and are sustained by the House, there will be a Presidential veto.

The name of the game here is a limitation on spending by a candidate. The name of the game is full disclosure. These other things may be important, but they are quite incidental. As a matter of fact, with the evolution of time, if certain corrections have to be made, we can make them.

I would strongly recommend—and I do so in the hope that we will pass a bill that will be acceptable not only to the House but also to the administration—that if the sponsors of the amendment will find it convenient in their hearts, in view of what has transpired on the floor of the Senate, to withdraw the pending amendment, we can clear the way for the Senator from Kentucky to move for reconsideration and leave the elements of the Pastore substitute exactly as they were submitted, and as they stand without these two amendments.

Mr. President, I leave this question up to my colleagues.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum for a moment so that we can arrive at some secret covenants secretly arrived at and maybe we can publish them, without the time being taken from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCOTT. Mr. President, we are nearing the end of the time. The time has nearly expired. Therefore, if the Senator from Florida has a motion to make we are prepared.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. PASTORE. Mr. President, what is the parliamentary situation on the pending amendment?

The PRESIDING OFFICER. The question is on agreeing to the Chiles-Mathias amendment.

Mr. PASTORE. Mr. President, has all the time been used?

The PRESIDING OFFICER. The time has expired.

The question is on agreeing to the Mathias-Chiles amendment.

The amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 4590) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; that the House had agreed to the amendment of the Senate numbered 2 to the bill, with amendments, in which it requested the concurrence of the Senate; and that the House had agreed to the Senate amendment to the title of the bill.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 309) to provide for recognition of the 50th anniversary of the establishment of the General Accounting Office, and for other purposes.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 6666. An act for the relief of Maj. Michael M. Mills, U.S. Air Force;

H.R. 7871. An act for the relief of Robert J. Beas;

H.R. 9910. An act to amend the Foreign Assistance Act of 1961, and for other purposes;

H.J. Res. 98. Joint resolution authorizing the President to proclaim the 28th day of September of 1971 as "Teacher's Day";

H.J. Res. 527. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week";

H.J. Res. 543. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

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

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 6666. An act for the relief of Major Michael M. Mills, United States Air Force;

H.R. 7871. An act for the relief of Robert J. Beas;

H.J. Res. 98. Joint resolution authorizing the President to proclaim the 28th day of September of 1971 as "Teacher's Day";

H.J. Res. 527. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week";

H.J. Res. 543. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution; to the Committee on the Judiciary.

H.R. 9910. An act to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 309) to provide for recognition of the 50th anniversary of the establishment of

the General Accounting Office, and for other purposes, was referred to the Committee on the Judiciary.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 325

Mr. FANNIN. Mr. President, I call up my amendment No. 325.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FANNIN. Mr. President, I would like to make certain technical modifications in the amendment. On page 1, strike lines 1 and 2 and insert:

On page 36 insert the following:

On page 1, strike line 7.

On page 2, beginning with line 10, strike the words "and which is described in subsection (c) or (d)."

The PRESIDING OFFICER. The amendment is so modified.

Mr. FANNIN. Mr. President, I ask unanimous consent that the reading of the amendment as modified be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection the amendment will be printed in the RECORD.

The amendment (No. 325) as modified, is as follows:

On page 36 insert the following:

"TITLE IV—AMENDMENTS TO INTERNAL REVENUE CODE

"PART A—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE

"PART B—PROHIBITION OF CERTAIN POLITICAL ACTIVITIES

"SEC. 411. (a) Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax) is amended by redesignating subsection (f) as (g) and by inserting after subsection (e) the following new subsection:

"'(f) PROHIBITION OF CERTAIN POLITICAL ACTIVITIES.—No organization described in section 501(c)(5) which requires any person to pay membership dues, fees, or other assessments, as a condition of employment shall be exempt from taxation under subsection (a) for any taxable year in which any part of its income or of the amounts received for its support is used—

"'(1) to support or oppose any candidate for public office.

"'(2) to support or oppose any political party, or

"'(3) to carry on voter registration.'

"(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act."

Mr. FANNIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. FANNIN. Mr. President, I wish to thank the following Senators who cosponsored the amendment: Senators TOWER, BENNETT, BROCK, GURNEY, CURTIS, HANSEN, and GOLDWATER.

Mr. President, the purpose of the bill is to find a way to treat all segments of our society equally. Our goal is to correct inequities so evident in past election campaigns. The bill as presently constituted does not so provide.

To reach this goal it is necessary for this bill to provide checks and balances on expenditures. Regretfully, there is one unclosed loophole that the bill does not cover—I refer to compulsorily collected dues of union members being used for political purposes—something the Congress has never intended.

There has been much said about the rich man's amendments Mr. President—I ask my colleagues—who is richer than the unions?

Mr. President, first, I will talk about individual rights, about protecting the working man.

Millions of American working men and women are forced to pay dues each month to unions. Contrary to the wishes of many of these union members, their dues and assessments are being used for political purposes.

Two weeks ago I pointed out to the Senate that unions reported spending $10.7 million for political purposes in the 1970 elections. This is only the very tip of the iceberg. Millions more were spent by the unions for unreported contributions, to provide facilities for campaigns, to pay for supplies for campaigning, to pay the salaries of supposed union officials who actually were full time political campaigners for various candidates.

In the 1968 elections union contributions were estimated at from $60 million on up.

Mr. President, at this point I ask unanimous consent to insert in the RECORD two tables from the book, "Financing the 1968 Election" by Herbert E. Alexander.

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

TABLE 6-1.—LABOR NATIONAL-LEVEL COMMITTEES GROSS DISBURSEMENTS, 1956, 1960, 1964, 1968

	Reporting committees	Gross disbursements (in millions)
1956	17	$2.2
1960	21	2.3
1964	31	3.7
1968	37	7.1

TABLE 6-2.—GROSS DISBURSEMENTS OF THE TEN LARGEST LABOR NATIONAL-LEVEL COMMITTEES, 1960, 1964, 1968

	1968	1964	1960
Committee for Good Government	$251,000	$122,000	$77,000
COPE (AFL-CIO)	1,207,000	989,000	794,000
DRIVE (Teamsters)	211,000	270,000	50,000
ILGWU	1,077,000	426,000	316,000
Machinists	572,000	260,000	193,000
Marine Engineers	262,000		
Seafarers	947,000	121,000	
Trainmen	215,000	43,000	10,000
UAW	309,000	269,000	61,000
Steelworkers	240,000	251,000	239,000

Adding the two UAW committees together, $560,000 was spent in 1968, $391,000 in 1964, and $138,000 in 1960.

Mr. FANNIN. Mr. President, these tables show that in 12 years the number of labor committees reporting on the national level more than doubled. Their reported contributions went from $2.2 million to $7.1 million. Again, let me point out that these represent only a fraction of the actual union expenditures for political campaigning.

The executive director of COPE, Alexander E. Barkan, has provided some impressive statistics on the role that his organization and other union bodies played in the 1968 elections.

Barkan has said that they distributed 110 million pieces of printed matter.

They registered 4.6 million voters—mostly of one political party.

COPE operated telephone banks in 638 locations with a total of 8,055 telephones.

This—and again it is only a very small sample—shows how deeply the unions were involved in the election of public officials. It was the union members who paid the freight for the materials and facilities used, and for the salaries of union officials who served as the key political organizers.

No one asked the union workers whether they approved of this.

No one asked the union rank and file which candidates should be supported.

The decisions were made by the union bosses who have fantastic resources at their disposal to use in grinding their favorite political axes. These union bosses naturally are going to use these resources to promote the election of public officials who will support legislation and policy that is to the benefit of the union bosses.

One of the major jobs of Government is protecting rank and file workers from exploitation by ruthless union leaders. How is Congress supposed to do this when so many Members become deeply indebted to the union bosses?

This brings me to the second point, protection of the integrity of our entire political system.

Congress has enacted laws—effective laws—to prevent big business from gaining an iron grip on the Government. In the legislation we are considering today, the objective is to keep home balance in our campaign and election system—to prevent candidates from "buying" their way into office and to prevent special interests from "buying" the candidates.

Mr. President, I believe that a paragraph from a brief filed in 1962 with the Presidential Commission on Campaign Costs pretty well summarized this concern:

No one can adequately document or even estimate the persuasive effects of Big Money on our public officials. Those who are experienced in political campaigns make these points: candidates must constantly think of the financial problem; campaign costs have mounted sky-high, particularly for television, a large proportion of the money candidates need comes from those who can afford substantial contributions; those who make such contributions expect at the best "sympathetic consideration" of their viewpoint and at the worst outright promises of support of their special interest. This vulnerability to Big Money is most obvious in the closing days of every campaign, when candidates take money from almost any source, in a frantic effort to get ahead of, or catch up with, the opposition in television time. The necessity of relying on these large contribu-

tors puts every political candidate in an increasingly untenable position.

This was presented to the Presidential Commission by the late Walter P. Reuther in behalf of his United Automobile, Aircraft and Agricultural Implement Workers of America. Of course, Mr. Reuther argued that it was big money from big business that was bad, not big money from the union bosses.

It is my contention that big money from union bosses is the biggest threat to our political system because of the concentration of resources and the control of not only funds but the facilities and manpower that can make or break candidates for public office.

If we do not put some meaningful restraint on the unions they will be left free to "buy" the candidates election after election.

And I would point out that this can apply to primary as well as general elections. Politicians who are now the chosen ones of the chosen party could find the situation changed should they incur the displeasure of the few who control access to union resources.

Unions have prospered because they have been given broad protection by Congress. Our laws are heavily biased in their favor. This is why they can exact dues and assessments to amass the resources that can make or break politicians in certain areas of our Nation.

Yet, the union membership makes up a small portion of our country—less than 10 percent of our population.

Mr. President, it is time that we whittle the political power of the union officials back down to its rightful size. If we do not take action on this, the campaign reform bill we are considering will be a farce.

The amendment would prohibit any organization which requires the payment of dues or other assessments and which membership in such organization is a condition of employment from claiming an income tax exemption for any taxable year in which any part of its income or of the amounts received for its support is used—

First, to support or oppose any candidate for public office,

Second, to support or oppose any political party, or

Third, to carry on any voter registration.

Labor unions currently are taxed on unrelated business income, but under 501(c)(5) of the Internal Revenue Code they are not taxed on passive or investment income, such as dividends, interest, annuities, or royalties.

501(c) of the code provides some 17 categories of exemptions for a number of varied organizations.

501(c)(5) is the only one of the 17 paragraphs that contain no definitions, limitations, or prohibitions. Because of this, my amendment is an absolute necessity.

Tax exemption under section 501(c) of the code is a special privilege which was intended only if tax exempt organizations do not engage in activities beyond their exempt purposes.

Congress clearly intended that unions should not engage in political activities through the use of involuntary dues. This was spelled out in the Federal Corrupt Practices Act.

The Internal Revenue Code has been interpreted as permitting a union tax exempt status no matter how much of its money it spends for political purposes. In a very real sense, the Internal Revenue Code is condoning illegal political activity and rewarding it with a tax exemption.

Mr. President, it is common practice for a portion of involuntary union dues to be allocated to special committees which channel these funds into political campaigns. These often are called "political education" or "community action" committees, but this is a very thin veil. These committees "educate" people to support the politicians who are in favor with the union bosses. They bring about "community action" which will boost the political fortunes of the chosen party or candidate. They conduct so-called voter registration drives which are in fact door-to-door canvasses on behalf of individual candidates or a single party.

This amendment is intended to put some reasonable restraint on the staggering sums of money and resources now being poured into these political activities by the unions.

This would not prevent the use of separate political arms or organizations. I do not dispute the right of unions to have political action machinery which is truly supported by voluntary contributions.

This amendment would not affect other voluntary political action groups such as the League of Women Voters or associations which are allowed to engage in certain political activity under other sections of the Internal Revenue Code.

Someone is bound to argue that we do not need this amendment because political spending by unions already is illegal.

Mr. President, it is obvious that the Federal Corrupt Practices Act has not done the job. There have been attempts to enforce this law, but the results have been singularly unimpressive.

Allow me to cite from the report of the President's Commission on Campaign Costs. Recommendation No. 4 in the report, Financing Presidential Campaigns, says:

Recommendation No. 4—Prohibition of Partisan Campaign Contributions and Expenditures by Corporations and Labor Unions

Section 610 of Title 18, United States Code, is the principal controlling statutory provision relating to political contributions and expenditures by corporations and labor unions. The prohibitions of this section make it unlawful for corporations or labor unions to make—

"A contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section."

A general misconception appears to exist about the effect and intent of this provision. From our study of the section, its legislative history, and the *applicable court decisions*, it is clear to us that no distinction is intended between corporations and unions with respect to political contributions and expenditures.

Section 610 reflects a proper congressional policy to restrain equally without exception or discrimination the activities or corporations and labor unions with respect to political contributions and expenidtures. *We recommend that section 610 be vigorously enforced and that the present equal legislative treatment of these organizations with respect to political contributions and expenditures be maintained.*

Financing Presidential Campaign, Report of the President's Commission on Campaign Costs, pages 20–21.

During Mr. FANNIN's statement on his amendment:

Mr. CANNON. Mr. President, will the Senator yield for 30 seconds?

Mr. FANNIN. Mr. President, I yield with the understanding that I do not lose my right to the floor.

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

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the last amendment was adopted.

The PRESIDING OFFICER. We are now on an additional matter of pending business.

Mr. MATHIAS. Mr. President, I ask unanimous consent to reconsider the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object, I would like to find out what the unanimous-consent request was.

The PRESIDING OFFICER. The Senator from Maryland has asked unanimous consent that it be in order to enter a motion to reconsider the vote by which the previous amendment was adopted.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. FANNIN. I yield to the distinguished Senator from Nebraska.

Mr. CURTIS. I commend the Senator for what he is saying, and for the preparation of an amendment dealing with this important aspect of Federal elections. Any law to control or limit campaign expenditures or activities is most difficult to write. We are all agreed that we do not want to prohibit that contribution or that activity which is in the interest of the public good, and which encourages individuals to be active participants in this job of self-government.

On the other hand, whatever attempt to control expenditures and political activities we undertake by law certainly should treat all segments of our society alike. The present law does not accomplish that. The bill before us would not accomplish it.

In a sense, it is quite easy to police a contribution made by a private citizen for a political cause. In all probability, the money has to be withdrawn from the bank, even if it is not paid by check. The individual is a taxpayer. That means that his books are open to the U.S. Government, so that they can find out where his money comes from, where it goes, whether a tax deduction was claimed when he was not entitled to it, and so on.

But in dealing with labor unions, we

have an altogether different situation. They are by law tax exempt. The Internal Revenue Service has an obligation to audit tax-exempt organizations, but they never have been audited and they are not now auditing labor unions. They give as the reason that it takes so much manpower they have just never gotten to it.

So here we have an activity that neither the spotlight of public opinion nor the eyes of the Government ever get a look at. I am inclined to believe that there are situations where money is taken from the treasury of a union and given to candidates. I believe that happens. I certainly would not condemn all unions or all union officers, but they are openly in the business of supporting and electing candidates to Federal office. I believe that the workingman's dues are being taken to support candidates which the individuals, or at least many of them, do not believe in and do not support, and we have provided no effective way of protecting the worker from it.

Then there is another field of activity that goes unnoticed so far as the Government is concerned, or the exposure to public opinion, and that is the use of manpower, the assignment of many individuals whose salaries and expenses may be paid by unions, who are active in registering voters, distributing literature, and advising voters, who are providing the means to get a favorable story across to voters for their candidate and an unfavorable story across to the voters as to the opposing candidates.

All of these things go to the very heart of politics. Registering voters, getting the names on mailing lists, building up your own candidates, getting the criticisms of the opponents—all of that is direct political activity. Yet anyone who has experienced it knows that it goes on. It is neither stopped nor controlled nor regulated.

I am not prepared to say that it should be stopped. But I believe that if there is one candidate who is supported financially by individuals, and through the money he receives must pay for all these things, any system that regulates him, limits him, and controls what he should do should also apply to the situation where there is a candidate who is supported by a huge organization, having a membership, perhaps, in a given congressional district, of a good many tens of thousands of members, who provided the wherewithal, the time, the energy, and the expense money to carry on that candidate's campaign.

I commend the Senator from Arizona for giving attention to this matter, because the first objective of a bill regulating campaign expenditures and campaign activities should be to do justice and to allow for a fair campaign, which means treating both sides alike. The legislation before us fails in that regard.

I thank the Senator for his generosity in yielding.

Mr. FANNIN. Mr. President, I certainly commend the distinguished Senator from Nebraska for what he has said. I am in agreement with the intent, as he has expressed it, of Congress. Certainly when we see the variation in the ways in which our statute is interpreted, we are vitally concerned.

Mr. CURTIS. Mr. President, will the Senator yield for one further observation?

Mr. FANNIN. I am pleased to yield to the Senator from Nebraska.

Mr. CURTIS. I believe illustrations can be cited, though I shall not do so, where a candidate supported by an organization with a great membership in his particular district or in his State, has carried on a massive campaign, and in that campaign, by all public appearances, he hardly seeems to have an opponent; yet from the financial reports, the person who has had a massive campaign carried on in his behalf reports much less in the way of expenditures. The reason is that someone else has taken over and carried on the campaign for him. Yet there is uneven treatment given the two candidates, as far as legislation of this type is concerned.

Mr. FANNIN. I thank the distinguished Senator from Nebraska, and I assure him that is the exact intent of my amendment, to treat equally everyone involved in the election. And we cannot do that where we are giving special privileges to one segment of our society.

I do feel that this is one area in which we should have corrective legislation, and that is why I have offered the amendment.

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

Mr. FANNIN. I am glad to yield to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, I am particularly impressed with the amendment, and I thank the Senator from Arizona for offering it. I have had some personal experiences in connection with the problem to which the amendment is addressed.

I remember that in my first campaign, in 1962, one particular organization brought in 50 women who were paid full time, 8 hours a day, to operate a telephone bucket shop. They hired the women, rented a building, installed telephones, and went to work, and not one dime of that expense was reported as a contribution to any candidate. In fact, they were not successful, but they did have a very marked effect.

This is something that has been a loophole in the law for a number of years.

I think the Senator's point about the Department of Internal Revenue is valid. The question I have is that if the Internal Revenue feels that it has inadequate laws, why do they not have the courage to come and tell us what laws they need with which to do an adequate job? If the laws are adequate, they ought to have the courage to enforce the laws. But somehow, the Department of Internal Revenue has failed miserably in its duty to protect the American people from other tax exemption privileges.

Mr. FANNIN. I agree with the Senator.

I may comment that I wrote the Internal Revenue Service and questioned them on this issue—at least challenged them—as to the way they interpreted our statutes. I received a letter which was very disappointing. They said:

> Therefore, it is the Service's position that if a labor union has as its principal purpose the representation of employees in such matters as wages, hours of labor, working conditions, and economic benefits, and the general fostering of matters affecting the working conditions of its members, the exemption of the organization is conferred by the statute. We find no basis to support modification of this position.

The weakness I see here is the way they interpret the economic benefits and "the general fostering of matters affecting the working conditions of its members." They are going so far in their interpretation that it is unrealistic.

Mr. BROCK. I am sure the Democratic Party and the Republican Party and every other organization in the United States is acting to protect the interests and the working conditions of its members. So, why does not every organization in America have a tax exemption? That, to me, defies logic.

The fact is that the Department of Internal Revenue has lacked either the integrity or the ability to proceed to protect the rest of the American people who are subsidizing such actions, in effect, by granting tax exemptions to an organization which abuses its franchise and privileges.

For the Senator's benefit, I should like to cite an example that happened to me last year.

I well recall, in September or early October, a piece of the most vituperative propaganda one has ever seen. It was pure slander and fallacious. It was mailed from Nashville, Tenn., in opposition to my candidacy. It had no foundation in fact. Yet, it was paid for by a labor organization, without the consent of its membership, using the tax-exemption privileges, using the mail privileges.

I think that what the Senator is proposing is simply an addendum to the bill of rights for the workingman. It seems to me that the worker has a right, and must have a right, to say where his dues are being spent. If he does not have that right, we are missing our obligation to him.

Fortunately, I have sizable support from most of the membership of organized laborship, to the chagrin, I will admit, of some labor bosses. The fact is that they did support me, and that is one of the reasons why I was successful. Yet, their funds were collected under a mandatory agreement and were spent in opposition to their own wishes, and I think that is just as much a violation of the Bill of Rights as anything possibly could be. The Senator is trying to address that problem, and I support him.

Mr. FANNIN. I commend the distinguished Senator from Tennessee for his verification of what has been brought out here today in the statement I have made. I agree with him wholeheartedly that we are not giving the member of a union his personal rights. He does not have the opportunity to designate where his money will be spent, how it will be spent; in many instances his assessed or involuntary dues are utilized adversely to his desires.

I think this is a sad process. We have had proposed legislation before us for some time to correct it.

Mr. President, in its report, "Financing a Better Election System," the Committee for Economic Development followed

similar reasoning. The first sentence covers the intent. It reads:

Corporations and labor unions should be treated alike with respect to political campaign contributions and activities.

Mr. President, I ask unanimous consent to have the full statement printed at this point in the RECORD.

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

FINANCING A BETTER ELECTION SYSTEM

Corporations and labor unions should be treated alike with respect to political campaign contributions and activities. Both should be prohibited from using corporate funds or unions dues to support any candidate or political party at any level of government, either through direct cash contributions or through services in kind such as compensation to officers or employees for time used in fact for campaign purposes. This prohibition should extend to religious, social, educational, philanthropic, or other organizations not explicitly and openly organized in support of political parties or candidates, including business partnerships and "political education" affiliates. Stringent penalties for violation should be imposed and enforced.

Federal law presently forbids both corporate and union gifts to parties and candidates in national elections, but the loopholes and evasions are widely evident. The states follow variable patterns, more commonly limiting corporations than unions. Only individuals can vote; no organization or group can cast a ballot. Therefore, only those organizations openly chartered to do so should engage in political campaigns. This would not, of course, inhibit the work of foundations or other research and educational organizations, nonpartisan in character and concerned with issues of broad public policy.

Mr. FANNIN. Mr. President, my amendment would bring an effective new restraint on the undersirable and illegal political spending by labor organizations. These organizations are more concerned about maintaining their tax-exempt status than they are about the remote possibility of prosecution under current law.

As I said earlier, tax exemption under section 501(c) is a special privilege. The amendment would make it clear that this privilege will continue only so long as unions do not abuse the privilege.

Unions could remain tax free simply by sticking to the business of being unions rather than playing at the role of kingmaker. To keep their tax-exempt status, they would have to remain free of political wheeling and dealing.

One more point I would like to make is the fact that my amendment is consistent with the Supreme Court decisions in the Street and Allen cases. The Justices held that Congress did not intend to authorize unions to use compulsory dues and fees for political purposes.

As Justice Douglas said:

The collection of dues for paying the costs of collective bargaining of which each member is a beneficiary is one thing. If, however, dues are used, or assessments are made, to promote or oppose birth control, to repeal or increase the taxes on cosmetics, to promote or oppose the admission of Red China into the United Nations, and the like, then the group compels an individual to support with his money causes beyond what gave rise to the need for group action.

I think the same must be said when union dues or assessments are used to elect a Governor, a Congressman, a Senator, or a President. It may be said that the election of a Franklin D. Roosevelt rather than a Calvin Coolidge might be the best possible way to serve the cause of collective bargaining. But even such a selective use of union funds for political purposes subordinates the individual's First Amendment rights to the views of the majority. I do not see how that can be done, even though the objector retains his rights to campaign, to speak, to vote as he chooses. For when union funds are used for that purpose, the individual is required to finance political projects against which he may be in rebellion.

Mr. President, let me summarize the purpose of this amendment.

It is intended to protect the rights of rank and file union members who are now forced to contribute to political causes they do not believe in.

It is designed to maintain some balance in our political system by requiring unions to abide by the same regulations that apply to other segments of our society.

Without this provision, this bill will be a sham.

Mr. TOWER. Mr. President, I strongly support the adoption of the Fannin-Tower amendment to S. 382, the campaign spending bill.

The subject of this amendment is, perhaps, the most important topic which the Senate will consider during its deliberations on this most important piece of legislation. If we, as a legislative body, are to adopt a fair and just campaign spending bill that will apply equally to all candidates running for office, it is crucial that this amendment be adopted.

I should like to reiterate the purpose of this amendment. This amendment would remove the tax exemption from any organization which uses compulsory membership dues to support or oppose a candidate for political office or to support or oppose any political party.

It may be argued that this amendment is somehow antiunion or antilabor. I cannot accept this interpretation of the intent and effect of it. I would not support such a measure. The amendment can be construed to be prolabor, for it seeks to restrict the power and control certain organizations exert over funds gathered from union members.

It is important to remember that funds gathered by union leaders for political purposes are not done so on a voluntary basis. If a man is to be a member of a union, he must pay his monthly dues to that union. As the law stands now, this union can use all or part of the dues to support a candidate for public office. Mr. President, I have never believed that a man should be forced to join a union in order to work, although that is the law in many States. It is far worse, however, to force a man to contribute to a political campaign if he is to work. That, Mr. President, is the practical effect of present union practices. That is the grievance which this amendment seeks to redress.

There is ample evidence that these political contributions, exacted from union members as the price for their jobs, are often used to elect candidates which the union member himself neither supports nor votes for. No piece of legislation can properly be referred to as "a bill to promote fair practices in the conduct of election campaigns for Federal political offices" if it fails to eliminate a practice which often forces a man to contribute to a candidate whom he opposes.

Recent elections have proved that union members do not vote in one bloc and that they do not give landslide support to the candidates which benefit from their compulsory membership dues. Therefore, the rights of many members are being abused because they oppose at the ballot box a candidate who has benefited from their membership dues. This practice of using compulsory dues to support certain political endeavors is contrary to our basic democratic framework of government and must be halted. It is certainly an insult to many union members who would like to support the candidate of their own choice during an election.

Mr. President, I have received hundreds of pieces of correspondence from union members who are unhappy with seeing their hard earned money being spent to support partisan politics.

I, myself, have received a great deal of support from union members and local unions throughout the State of Texas. This is so even though the official organs of organized labor have not supported me.

I do not believe that the cause of labor will in any way be hindered by the adoption of this amendment. I do feel, however, that the cause of the rank and file union member will be advanced because under this amendment the rank and file union member will have a better chance to support the candidate of his choice.

Mr. President, this amendment will remove the tax-exempt status from any organization that uses compulsory dues to support partisan political activity. It will apply to any organization, regardless of the particular ideological persuasion of the leadership of that organization, which engages in such practices.

This amendment is essential to a fair campaign spending bill and essential to a participatory democracy which is safeguarded by the Bill of Rights. It is for this reason that I urge the Senate to adopt the Fannin-Tower amendment.

Mr. CANNON. Mr. President, this is an amendment to the Internal Revenue Code to deny to any organization the privilege of a tax-exempt status for any year in which it uses any dues, fees, or other assessments as a condition of employment to first support or oppose any candidate for public office, second, support or oppose any political party, or third, to carry on voter registration.

Political contributions by national banks, corporations, and labor organizations are prohibited by section 610 of title 18 of the United States Code. This amendment would go further and pro-

hibit even such civic, public spirited programs as voter registration. Voting records in the United States ought to be improved. Millions neither register nor vote. Now, millions of 18-, 19,- and 20-year-olds are eligible to vote in 1972. It is important to encourage all qualified citizens to register and to cast their votes. Tax exempt organizations ought not to be penalized because of their worthy programs in the public interest. Those programs are educational and nonpartisan. They should be encouraged not prohibited under pain of loss of tax-exempt status.

Mr. President, I am opposed to the amendment. If the Senator has no more to say about the amendment, I intend to raise a point of order.

Mr. FANNIN. Mr. President, I did not hear everything the Senator said. This amendment would apply only to unions that use involuntary dues or assessments for political purposes. It does not extend to groups such as the League of Women Voters.

Mr. CANNON. If the Senator has concluded—we have concluded on this side—we intend to raise a point of order.

Mr. FANNIN. I have concluded.

Mr. CANNON. Mr. President, I raise a point of order on this amendment that it is not germane.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. FANNIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada raises the point of order that the amendment is not germane. The Chair sustains the point of order on the ground that nothing in the bill or in the amendment deals with the Internal Revenue Code or the subject of taxes. Therefore, this does present new subject matter and would not be germane to the bill. Under the unanimous-consent agreement, amendments must be germane to be in order.

Mr. FANNIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FANNIN. Do I correctly understand that the amendment is automatically withdrawn by the ruling of the Chair?

The PRESIDING OFFICER. By the ruling of the Chair, the amendment is ruled out of order.

Under the previous order, the Chair will now recognize the Senator from Indiana (Mr. HARTKE).

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be taken out of this side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ECONOMIC DISASTER AREA RELIEF ACT OF 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader, after consultation with the minority leadership and principal parties to the bill, to propose the following unanimous-consent request:

I ask unanimous consent that at such time as the bill is called up, debate on S. 2393, a bill to amend the Disaster Relief Act of 1970, be limited to 2 hours, to be equally divided between the distinguished Senator from New Mexico (Mr. MONTOYA) and the equally distinguished Senator from Kentucky (Mr. COOPER); provided further, that time on any amendment thereto be limited to 1 hour, to be equally divided and controlled by the mover of such amendment and the manager of the bill (Mr. MONTOYA); provided further, that time on any amendment be limited to 20 minutes, the time to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill (Mr. MONTOYA); provided, that no amendments not germane be received; ordered further, that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

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

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. Would the Senator amend his request to provide that the senior Senator from Tennessee (Mr. BAKER) will control the time on the minority side?

Mr. BYRD of West Virginia. Yes. I so modify my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, during the consideration of the bill (S. 2393), to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes, debate on any amendment, motion or appeal, except a motion to lay on the table shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment, or motion and the manager of the bill (Mr. MONTOYA). *Provided further*, That, any amendment to an amendment be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill (Mr. MONTOYA).

Provided further, That, no amendment not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill debate shall be limited to 2 hours to be equally divided and controlled respectively by the manager of the bill (Mr. MONTOYA) and the Senator from Tennessee (Mr. BAKER). *Provided*, That the time on the passage of the said bill may be allotted to any Senator during the consideration of any amendment, motion or appeal, except a motion to table.

EMPLOYMENT ASSISTANCE APPROPRIATIONS—UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished majority leader, after consulting with the ranking minority member of the Appropriations Committee and with the chairman of the Appropriations Committee, I propound the following unanimous-consent request:

I ask unanimous consent that, at such time as it is called up, debate on the $1 billion employment assistance appropriations bill be limited to 1 hour, with the time to be divided equally between the distinguished manager of the bill, the Senator from Louisiana (Mr. ELLENDER), and the ranking Member, the distinguished Senator from North Dakota (Mr. YOUNG); that time on any amendment thereto be limited to 30 minutes, with the time to be equally divided between the mover of the amendment and the manager of the bill; that time on any amendment to an amendment be limited to 20 minutes, to be divided equally between the mover of the amendment in the second degree, and the distinguished manager of the bill; provided further, that no amendment not germane be received; ordered further, that Senators in control of the time on the bill may, from the time on the bill under their control, allot additional time to any Senator during the consideration of any amendment, motion, or appeal, except a motion to table; and provided further, that on any committee amendments the time be taken out of the time on the bill.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous consent agreement reads as follows:

Ordered, That, during the consideration of the resolution (H.J. Res. 833), Labor, Emergency Employment Assistance Appropriations Bill, debate on any amendment (except committee amendments, debate of which shall come out of the time allotted on the bill), motion or appeal, except a motion to lay on the table, shall be limited to 30 minutes to be equally divided and controlled by the mover of any such amendment or motion, and the manager of the bill (Mr. Ellender).

Provided further, That debate on any amendment to an amendment shall be limited to 20 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill (Mr. Ellender).

Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said resolution shall be limited to 1 hour, to be equally divided and controlled respectively by the manager of the bill (Mr. Ellender) and the Senator from North Dakota (Mr. Young).

Provided, That, the time on the passage of the said bill may be allotted to any Senator during the consideration of any amendment, motion or appeal, except a motion to table. (August 4, 1971).

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 366 AS MODIFIED

Mr. HARTKE. Mr. President, I have an amendment at the desk, No. 366, which I ask be modified in accordance with the changes in the bill and that it be stated.

The PRESIDING OFFICER. The amendment as modified will be stated.

The assistant legislative clerk read the amendment, as modified, as follows:

On page 6, after line 25, add the following:

"(e) No television broadcasting station may sell or otherwise make available broadcast time in segments of less than one minute duration for use by or on behalf of a legally qualified candidate in connection with his campaign for nomination for election, or election, to Federal elective office."

Mr. HARTKE. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 4 minutes.

Mr. HARTKE. Mr. President, during the past decade, the influence of television on American society has grown dramatically. We have come to know it as both a force for good and an instrument of evil. It can educate and it can entertain, but—in the hands of professional promoters—it can be used to create false images and erroneous impressions. By day, television can teach our children to read. By night, it can promote violence and destruction.

The enormous potential of television is just now being realized by the American viewing public, but it has long been realized by advertisers. Where still pictures and printed words were once required to sell products, now moving pictures and spoken commentary are able to reach millions of potential consumers at almost any given moment of the day.

The importance of television to the political candidate became apparent almost 20 years ago. Through this new medium, a candidate could get his message to a larger audience than had ever before been possible. And when that message was sandwiched into the regular program fare, the candidate had a captive audience. They could avoid his personal appearances, his leaflets and his newspaper ads far more easily than they could his television promotions.

Once again, we learned the dual potential of television. It could give political candidates far more exposure than other mass media—certainly, a welcome influence upon a democratic society—but it could also serve to create "public" images of candidates that bore scant resemblance to reality.

In recent years, the promotion of this superficial imagery has been accentuated by candidates of both major parties throughout the Nation. At times it is harmless, but all too often it can be diabolical. Using advertising techniques developed by publicists of detergents, deodorants and automobiles, political candidates have used 30-second and 1-minute advertisements on radio and television to misrepresent facts and create false and baseless impressions about their opponents.

My own experience is not unlike that of my colleagues. Subjected to a difficult race during the last campaign in which spot advertisements were used by the opposition to cloud the issues and belie the truth, I learned at firsthand the damage which these ads can do.

At least $59 million was spent on political broadcasting in 1968, enough to buy over 6 million spots. Since 1964, the proportion of money used to purchase ads of 60 seconds or less had increased from 81 to 95 percent in 1970. At the same time, use of programs of 5 minutes duration or longer has decreased 38 percent between 1966 and 1970.

Because the bill now before us places a ceiling on media expenditures in campaigns, there will likely be increased pressure to buy short segments of time in order to get the broadest exposure and the highest impact per dollar. This trend foreshadows a lessening of opportunity for viewers to hear a rational discussion of issues. If television is to achieve its positive potential as an educating medium and a promoter of democratic institutions, this trend must be reversed.

It is in this spirit that the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I offer an amendment which would eliminate completely all campaign broadcast segments of less than 1 minute duration.

At the present time, candidates for major offices spend 95 percent of their broadcast funds on spot ads. Must the Government structure of this great country be determined by the political cosmetology of Madison Avenue? Are we to select our leaders with little more to commend them than a smile, a witticism, and a slogan? Are legislators to be selected on the basis of mass merchandising?

Let us look at what is happening today in the field of television advertising. Products from toys to sleeping remedies are being hawked in a fashion which has offended the American public and aroused the retribution of the Federal Trade Commission and other regulatory agencies. The consumer of a product has administrative and legal recourse for misrepresented merchandise, but what about political candidates? What agency can tell the candidate that it is not enough to decry the conditions which beset us, but that he must tell what he intends to do to correct those conditions? What agency can tell the politician that he must produce what he promises?

No 30-second commercial ever was able to explain how brand X eliminates grease and dirt, and no 30-second commercial will ever be able to allow a political candidate to engage in a rational discussion of a single issue.

Mr. President, spot ads cheapen politics. They make the political process a game of images rather than an ongoing debate of issues. Today, Americans are rejecting the politics of superficiality. They demand far more than cliches and invective. What they long for is an honest and frank discussion of the issues which concern them and their country.

We can help to bring about this new and long-awaited politics by adopting the amendment which the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I offer today.

Mr. President, I yield 6 minutes to the Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. In 1936, the Republican Party sponsored a series of skits on radio which suggested that contemporary young couples were postponing marriage, because of the size of the national debt.

In 1944, the Democrats' use of radio spots in the presidential campaign led Broadcasting magazine to comment "we have elected a President with singing commercials and with jive and jabberwookie."

In 1956, the Republican National Committee chairman set the tone of the Republican campaign:

> Politics these days is like a business . . . you sell your candidate and your programs the way a business sells its products.

The Democratic presidential candidate in 1956 was repulsed by this attitude toward American politics. He said:

> This idea that you can merchandise candidates like breakfast cereal—that you can gather votes like box tops—is, I think, the ultimate indignity to the democratic process.

But the trend has continued. With every election more money, more letters, and more radio spots, continue. With every election the intelligence of the voter is insulted. His decencies are offended more. And our politics is cheapened more.

It is not a partisan issue. No one forgets the mushroom cloud and the voice of doom used in support of Lyndon Johnson in 1964.

It is an American issue. We simply cannot afford it any longer. Political spots reached new heights of silliness in 1966 when a gubernatorial candidate spent $1.5 million on TV spots in which he never appeared. An animated fish did the talking for him.

More spots were used than ever before in 1968—over 6 million. The Republicans produced a spot showing the Appalachian poor, urban street riots, and wounded GI's in Vietnam, all followed by the laughing face of our esteemed colleague, HUBERT HUMPHREY. Democrats countered with a spot presenting hysterical laughter at each mention of the name SPIRO AGNEW.

And in 1970 the commercials reached a new low in American politics. We have passed the point of public tolerance. Ninety-five percent of expenditures for political advertising went to spots in 1970. They ranged from corny gimmicks to the worst of demagoguery. A candidate for Governor ran a spot which began "are we going to be ruled by the bloc? Look what it did in Watts and in the Nation's Capital." In Indiana our colleague, Senator HARTKE, was subjected to one televised smear after another. His

opponent even attempted to link him to the Vietcong. And it was no better in Illinois and Utah and Missouri and in many other States. I need not recall for my colleagues the political pornography employed in that campaign. It is not now, nor will it soon, be forgotten. But it will continue unless we act to stop it.

What we will not change for the better, time may even change for the worse. Political advertising has become a big business. Nearly 100 advertising agencies handled major candidates in 1970. Fees for ad agencies ranged from $30,000 to $100,000. Many of the media men switch back and forth between soaps, cereals, and deodorants, on the one hand, and candidates for public office on the other. They utilize what is known in the trade as the "unique selling point," seeking a message which, repeated through saturation broadcasting, is intended to reach the viewers subliminally and influence them to respond subconsciously in the polling place. Spots are encouraged. Repetition is the key. Among the popular strategies for "people selling" are the "spurt" technique, the "telenews" technique, and "instant information."

A brochure for one ad agency specializing in political advertising boasts that it has a "track record of 95 percent wins." The brochure begins:

> We believe that winning your election depends upon your ability to mobilize the English language and send it out over the mass media to claw its way into the voter's mind, telling him what's in it for him if he votes for you.

One image maker, Robert Goodman, says of candidate AGNEW:

> He was a beautiful, beautiful body, and we were selling sex.

Of his own political philosophy, he says:

> We try to make the candidate bigger than life and we try to do it emotionally. Our job is to glamorize them and hide their weaknesses . . . if he's got it, we project it. If he hasn't, we try to fudge it.

Another ad man has said of the American public:

> You know your audience. They are not very bright, and they succumb to the sensational new word.

Another, Harry Trealeaven, says:

> Most national issues today are so complicated, so difficult to understand and have opinions on, that they either intimidate, or more often, bore the average voter.

There is no telling where this trend will end. All we can say is that it must end. The effect of these spots is to cheapen politics. It takes the dignity out of running for public office. It may well be that such political poison accounts in large measure for the crisis of confidence in our politics. Its use insults the intelligence and the decency of the people. It suggests to an increasingly informed public that it is held in contempt by candidates whom it then holds in contempt.

The public wants this mutual antagonism to end. A recent Gallup poll revealed that 74 percent of Americans support some kind of restriction or control of political advertising. We should want it to end, too.

This amendment would ban the purchase by Federal candidates of television segments less than 60 seconds in length. As a practical matter, the amendment applies almost entirely to spots of 10, 20, and 30 seconds, since those are the most commonly used time segments.

These short spots are the ones offering the greatest potential for superficiality and demagoguery. These ads lend themselves to the subliminal techniques. These are the spots which are repeated again and again to a captive audience. They are inappropriate to serious discussion of issues. They last just long enough for an appeal to emotions, not long enough for an appeal to intellect.

Unless something is done, we may soon reach the time when our only exposure to candidates is through short spots. The amount of money spent on programs of 5 minutes or longer has declined by 38 percent over the past 4 years.

This amendment would be an important step toward reversing that trend.

Elimination of political spots under 60 seconds may not be the whole answer to cleaning up our politics, but it is a step. It would help restore integrity to our political process. And it might help to make election campaigns something more than devices for obtaining public office—at all costs and by any means.

Mr. PASTORE. Mr. President, my colleagues from Indiana and Illinois know the affection and respect I have for their judgment. But this is an amendment that is within a very, very critical area. I agree with everything they said. There have been some very, very shabby pornographic slogans, not only during political campaigns, but sometimes on a regular schedule.

For me to stand on the floor of the Senate and say, "You can be pornographic for 5 minutes but not for 1 minute," I am afraid we would be using a measuring instrument that would not make much sense.

The trouble was not with duration. Some people can say a great deal in 1 minute and some people can take 2 hours and say nothing. Time is not significant. Maybe the 1-minute spot is not a desirable spot, but I am afraid we are getting into something here involving the first amendment of the Constitution.

Who am I to say to the candidate that he cannot have a 1 minute spot, if that is the spot he wants? Senators would be surprised at how much can be said in 1 minute. We have been in this Chamber time and time again when a minute is granted here and there, and a Senator is supposed to state his position in a minute.

This is not a new issue. This issue has been raised several times by my friend, the Senator from Indiana (Mr. HARTKE). I know he has a very strong feeling about the matter and the fact that it involves Madison Avenue techniques and deception.

But like everything else, that cannot be measured in terms of 1 minute, 5 minutes, or 10 minutes. Some people can be very deceptive in 1 minute and some people can be very deceptive in 5 minutes.

We brought this matter to the attention of the Federal Communications Commission and we have had an opinion rendered by the Chief Counsel, who thinks this would be unconstitutional.

Frankly, I think this gets into the area of censorship. When we say to a man he cannot speak or perform for 1 minute, I am afraid we are saying to him that we are denying him freedom of speech.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from R. E. Wiley, General Counsel, Federal Communications Commission, dated March 31, 1971, and his enclosed memorandum, which is printed on page 588 of the hearings.

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

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Communications, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: In response to your request at the recent hearings on political broadcast bills, I am enclosing a memorandum on the question of the legality of establishing minimum time limitations for political broadcasts.

It is concluded that dictating an important aspect of a candidate's format in political broadcasts by setting an absolute minimum time may abridge the First Amendment. Additionally, such a limitation may violate the equal protection clause as incorporated in the Fifth Amendment due process clause if the minimum time is not reasonably related to the evil sought to be avoided.

Please advise me if I can be of further help to the Committee.

Sincerely,

R. E. WILEY,
General Counsel.

MARCH 31, 1971.

MEMORANDUM OF THE GENERAL COUNSEL, FEDERAL COMMUNICATIONS COMMISSION, ON THE LEGALITY OF ESTABLISHING MINIMUM TIME DURATIONS FOR POLITICAL BROADCASTS

The question addressed by this memorandum is the validity of a requirement by Congress or the Federal Communications Commission that no political broadcasts may be carried unless they are of a minimum length—perhaps five minutes. It is believed that such a limitation upon political broadcasts would probably violate the First Amendment and would also raise questions of compatibility with the Fifth Amendment insofar as it "incorporates" the equal protection clause of the Fourteenth Amendment to the Constitution. The Congress or the Commission probably could take other types of action to discourage the presentation of political candidates in a manner akin to selling commercial products, i.e., through brief spot announcements.

The conclusion that an absolute bar against the presentation of political broadcasts of less than a specified length would run afoul of the First Amendment rests upon a long series of cases in the Supreme Court holding that the government may limit speech only where it poses a clear and present danger of bringing about a substantive evil which the government has a strong interest in avoiding. *Konsigberg* v. *State Bar of California*, 366 U.S. 36, 50, n. 11 (1961); *Terminiello* v. *Chicago*, 337 U.S. 1, 4–5 (1949); *Bridges* v. *California*, 314 U.S. 252 (1941); *Schenck* v. *United States*, 249 U.S. 47 (1919). Moreover, a limitation on speech is unconstitutional if Congress has available a less restrictive alternative to achieve the same ends. See *United States* v. *Robel*, 389 U.S. 258, at n.20 (1967). The Court has also struck down indirect limitations upon speech which tend to "chill" free debate, e.g., *New York Times* v. *Sullivan*, 376 U.S. 254 (1964), as well as those which impose direct prior restraints, e.g., *Near* v. *Minnesota*, 283 U.S. 697 (1931).

Congress, of course, has large discretion in

controlling the Federal election process, although the extent of its power with regard to State Elections has been limited recently, *Oregon* v. *Mitchell*, ——U.S.——, 27 L. Ed. 2d 272 (decided December 21, 1970) (18-year old voting age sustained for Federal elections, but not for State and local elections). Thus, Congress has been upheld in requiring public disclosure of political contributions, *Burroughs* v. *United States*, 290 U.S. 534, (1934), and restricting political activities of government employees, *United Public Workers* v. *Mitchell* 330 U.S. 75 (1947) (the decision in tihs case resting on the government's interest in an efficient public service). However, the Supreme Court has also recognized that political speech merits a particularly high order of protection against government interference. Thus, it has stated that "speech concerning public affairs is more important than self-expression; it is the essence of self-government," *Garrision* v. *Louisiana*, 379 U.S. 64, 74–75 (1964). See also *Mills* v. *Alabama*, 384 U.S. 214 (1966), where the Court found unconstitutional an Alabama statute which prohibited election day newspaper editorials on issues which were on the ballot. To the same general effect is *Farmers Educational and Cooperative Union* v. *WDAY*, 360 U.S. 526 (1959), where the Court held that a broadcast licensee could not be held liable for defamatory matter in political broadcasts which it was forbidden to censor under section 315 of the Communications Act, 47 U.S.C. § 315, and emphasized the importance of free political debate. Any limitation on political speech would appear to carry a very heavy burden to overcome an attack on its constitutionality. In the present context, it is unlikely that the courts would find a clear and present danger of a serious evil sufficient to support the direct interference with political speech which will be imposed by the proposal under consideration.

It is of course true that because "radio is inherently not available to all," a system of regulation in the public interest is both necessary and constitutionally valid. *National Broadcasting Co.* v. *United States*, 319 U.S. U.S. 190, 227 (1943). In this context it has been held that the power of a broadcast licensee to limit use of his facilities to those with whom he agrees may be curtailed in favor of the paramount interest of the listening and viewing public in hearing both sides of public issues. See *Red Lion Broadcasting Co.* v. *F.C.C.*, 295 U.S. 367 (1969), where the Commission's fairness doctrine, which generally requires a broadcaster to afford a reasonable opportunity for the presentation of conflicting views on public issues, was sustained as an effectuation of the First Amendment principle that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public . . ." *Associated Press* v. *United States*, 326 U.S. 1, 20 (1945). See also *Banzhaf* v. *F.C.C.*, 405 F. 2d 1082 (D.C. Cir., 1968), *cert. denied*, 396 U.S. 842 (1969), which sustained the Commission's requirement that broadcasters who carried cigarette advertisements should also carry anti-cigarette smoking announcements.[1] However, neither these nor any other decisions suggest that a direct limitation on speech would be permissible. As the Court stated in *Red Lion*, 395 U.S. at 389–390:

"This is not to say that the First Amendment is irrelevant to public broadcasting. On the contrary, it has a major role to play as the Congress itself recognized in § 326, which forbids FCC interference with 'the right of free speech by means of radio communication.' Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. See *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940); *FCC* v. *Allentown Broadcasting Corp.*, 349 U.S. 358, 361–362 (1955); 2 Z. Chafee, Government and Mass Communications 546 (1947). It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee. *Associated Press* v. *United Sttes*, 326 U.S. 1, 20 (1945); *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964); *Abrams* v. *United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting). '[S]peech concerning public affairs is more than self-expression; it is the essence of self-government.' *Garrison* v. *Louisiana*, 379 U.S. 64, 74–75 (1964). See Brennan, The Supreme Court and the Meiklejohn Interpretation of the First Amendment, 79 Harv. L. Rev. 1 (1965). It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."

The people's "right to hear" appears to be directly impinged by a refusal to permit short announcements by political candidates or their supporters, imposed without regard to the licensee's other coverage of the particular campaign.

It is important to note in this connection that the Commission has held that a licensee may reject the use of paid spot announcements to discuss public issues where it is otherwise covering all substantial conflicting views. *Business Executives' Move for Vietnam Peace*, 25 FCC 2d 242 (1970), appeal pending *sub nom., Business Executives' Move for Vietnam Peace* v. *F.C.C.*, No. 24,492 C.A.D.C. This ruling was designed to preserve the licensee's capacity to serve the paramount public interest by arranging a schedule not governed by ability to pay, and in recognition that selling ideas like soap should not be encouraged. Congress or the Commission might in similar vein withhold from political spot announcements some preference otherwise given to political broadcasts. The validity of such an approach would of course depend upon its terms.[2]

As mentioned above, the Fifth Amendment might also be relevant to a proposal to prohibit spot political broadcasts. The Supreme Court has held that conduct violative of the equal protection clause of the Fourteenth Amendment (applicable only to the States) may also be so unjustfiable as to constitute a violation of the due process clause of the Fifth Amendment, *Bolling* v. *Sharpe*, 347 U.S. 497 (1954). It may be assumed that the same standard of equal protection applies to the Federal Government as to the States. It could be argued that a law which bans political broadcasts of less than a stated minimum duration invidiously discriminates against poor candidates by making the broadcast media accessible only to the rich.[3] While the use of large scale spot campaigns has in the past been the hallmark of the wealthy candidates, an absolute prohibition on the sale of short time periods could work to the disadvantage of the less well financed campaign.

The poor candidate, of course, may be said to be in essentially the same position under present law as he would be under the proposed limitation on political spots. The well-financed candidate can now buy large amounts of time for spot (or program-length) political broadcasts, and the licensee is obligated only to afford the opposing candidatees equal opportunities to buy time. See § 315 of the Communications Act, 47 U.S.C. § 315. However, section 315 does not operate as would the proposal under discussion to cut off an opportunity to buy cheaper time which is otherwise available to the candidate.

The equal protection clause requires only that the classification which is made by reasonably related to legitimate governmental interests, *McGowan* v. *Maryland*, 366 U.S. 420 (1961), and here the government's strong interest in safeguarding the political process by avoiding the marketing of candidates in non-informing spots would be a strong factor in defense of a reasonable specification of a minimum time, such as one minute. Where the line would be drawn would probably depend on variables such as what minimum time is necessary for adequate expression of a viewpoint, the cost of obtaining broadcasts of the minimum time duration, and, of course, the need for the legislation. Depending on the length of the minimum time allowed under the proposed spot limitation, the proposal might withstand constitutional attack on equal protection grounds, but this issue nevertheless would be of serious concern.

The above discussion of the constitutional issues applies to both the Commission and Congress. If the constitutional problems were surmounted, action by the Commission would still have to be rooted in authority granted it by the Communications Act. The Commission has broad authority under Sections 303, 307, 308, and 309 of the Communications Act, 47 U.S.C. §§ 303, 307, 308, 309, to make regulations it finds to be necessary in the public interest, convenience and necessity. It would have to determine whether a further limitation on political broadcasts of the type under discussion was consistent with § 315, in which Congress has laid down specific standards in the area of political broadcasts. See *Letter to Nicholas Zapple*, 23 FCC 2d 707 (1970). In view of the discussion above of the First Amendment considerations, it seems unnecessary to attempt to resolve the issue of the Commission's statutory authority.

In conclusion, the proposal to limit political broadcasts to those which last at least a specified number of minutes raises serious constitutional problems, and would probably be in conflict with the First Amendment.

Mr. PASTORE. Mr. President, if there are no further remarks to be made on this amendment, I shall move to table the amendment.

Mr. HARTKE. Mr. President, I would like to say that I am not persuaded by the question of constitutionality or the first amendment. That question can only be directed at the entire matter of whether Congress has the power to deal with regulations of any kind of a licensee of the Federal Government. If that argu-

[1] It should be noted, however, that the congressional ban on cigarette announcements on electronic media subject to the jurisdiction of the FCC, Public Law 91–222 (Apri. 1, 1970), has been challenged in the courts on constitutional grounds. *Capitol Broadcasting Co.* v. *Mitchell*, U.S. Dist. Ct., D.D.C., Civil Case No. 3495–70.

[2] The decision of the Court of Appeals in *Business Executives' Move for Vietnam Peace* v. *F.C.C.* may bear upon this question as well as the broader questions discussed in this memorandum:

[3] At some point, a minimum time duration for political broadcasts (say, one hour) would unreasonably prevent even the average candidate from purchasing time on the broadcast media.

ment has any merit, it has this merit as to the question of regulations, generally. So I am not persuaded by that.

I would like to call attention to the fact that the position which the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I are advocating has been endorsed, and really not in this limited fashion, by the report of the 20th Century Fund Commission on Campaign Costs in the Electronic Era entitled "Voters' Time."

The Commission on Campaign Costs in the Electronic Era at that time consisted of Newton N. Minow, the former Chairman of the FCC from 1951 to 1963, and four other commissioners. The present Chairman is Dean Burch. In addition there was Thomas G. Corcoran, Alexander Heard, and Robert Price. Mr. Corcoran was a Washington attorney who was a close adviser to President Franklin D. Roosevelt and other Democratic candidates and Presidents; Alexander Heard is a Democrat and political scientist, who is chancellor of Vanderbilt University, the author of "The Costs of Democracy."

Mr. President, I might point out to the Senator from Rhode Island with respect to any argument made against this provision in regard to 1 minute, that certainly, in my opinion, I would like to see them go to 5 minutes. Probably the most minor issue on this floor is debated under the chairmanship of the distinguished majority leader for 20 minutes, with 10 minutes equally to a side.

Mr. President, at this time I wish to yield to another of the cosponsors, the former Vice President of the United States, the Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I am sure that the arguments for this amendment have been well stated by the Senator from Indiana and the Senator from Illinois.

I wish to state that it boils down to one thing. What can be said in 10 seconds that explains something about the candidate's qualifications or about the great issues of our time? We have read all the documents about how to get elected and about how to put a candidate's image on the screen. The great trouble in politics today is that there is too much imagery and not enough substance. I imagine that Abe Lincoln would have had a little trouble with image, but he would have had no trouble with matters of issue, program, and policy.

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

Mr. PASTORE. Mr. President, how much more time does the Senator desire?

Mr. HUMPHREY. Two minutes.

Mr. PASTORE. I yield 2 minutes to the Senator from Minnesota on the bill.

Mr. HUMPHREY. Mr. President, I hope that this particular amendment will be taken very seriously and included as part of our campaign elections bill.

I have before me an editorial from Broadcast magazine of August 2, and the editor of this particular magazine feels the limit should be 5 minutes. It is his feeling that political broadcasting of the 10 second, 30 second, and even 1 minute variety is both demeaning on the one hand and often misleading on the other.

There is a very prominent Midwestern broadcaster who called on national broadcasters to provide the use of 30-second and 60-second spots for political candidates. Thirty seconds is bad enough, 10 seconds is deplorable and 1 minute gives everyone a chance to see the spots on the candiate and to be able to find out a little bit about what he has to say.

I realize we cannot write this bill as a code of ethics for campaigns, but I think there is enough merit in this amendment. I was pleased to join as a cosponsor.

I hope we can come through another election without talking about the selling of candidates. What this country needs is an explanation of basic issues and there is little that you can explain in 10 seconds that is worth listening to. It is not selling toothpaste, deodorants—although at times that might be helpful—a bottle of beer or a pack of cigarettes. We talk too much about that in American life. We need honest and open discussion with all the valid opinions that the American people have or are willing to listen to and to make that possible through the use of the electronic media.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator's time has expired on the amendment.

Mr. PASTORE. Mr. President, I yield to the Senator from Nebraska so that he may ask a question.

Mr. HUMPHREY. I would be glad to answer.

Mr. CURTIS. Were this amendment to be agreed to, would it be lawful for a broadcaster to sell time for an announcement that said, "Send a full-time farmer to Congress. Vote for John Doe." Would that be lawful?

Mr. HUMPHREY. No; not only that, but I think it would be awful if it were done. This business about sending a full-time farmer or a full-time businessman, or whatever it is, to Congress, in a 5- or 10-second billing, in between announcements of the football game, is not the way I think American politics should be promoted for the best effect.

Mr. CURTIS. It is not deceptive. Is it?

Mr. HUMPHREY. Not deceptive; it just is not informative.

Mr. LONG. Mr. President, will the Senator yield me 1 minute?

Mr. PASTORE. I yield 1 minute on the bill to the Senator from Louisiana.

Mr. LONG. Mr. President, I have looked at the memorandum supplied by the Federal Communications Commission. I hope the distinguished Senator from Minnesota and his distinguished colleagues will not offer it. I believe it would raise a serious constitutional issue, and that is, if a person wants to go in for less than 1 minute and make his pitch over and over again, whether we have the right to deny him that privilege.

I am frank to say that, inasmuch as this bill has merit, I would dislike to see it stricken down as unconstitutional by putting something in it of dubious constitutionality, because it is clear from the cases cited in this memorandum that a serious question is presented whether there is a right to deny a person the privilege of making a simple pitch that he can put in, in 1 minute or less.

Mr. HUMPHREY. Mr. President, there is concern about this question. I am not unaware of that. I have just had brought to my attention a copy of the memorandum. Nevertheless, I say the FCC can establish standards.

Mr. STEVENSON. Mr. President, will the Senator yield me 2 minutes?

Mr. PASTORE. Mr. President, I yield 2 minutes on the bill to the Senator from Illinois.

Mr. STEVENSON. Mr. President, this amendment does not limit access to television for candidates for messages of a minute or more. It eliminates the 30-second spots, the 10-second spots, the 20-second spots—spots which most obviously lend themselves to abuse. These are advertisements; they are not speeches. Advertisements do not come within the constitutional guarantee that protection of free speech is entitled to in our society. After all, Congress has placed a prohibition against advertising of tobacco on television. If it can constitutionally prohibit the advertising of tobacco on television, I should think it could limit 10-, 20-, or 30-second spots which very clearly do, from painful experience, lend themselves to abuse.

I would also say it is not an intrusion, it is not an unreasonable meddling into the affairs of candidates, and it certainly is no more intrusive than many other provisions in the bill. It is no more intrusive or troublesome than the reporting provisions or the ceilings set for coverage of radio and television.

I thank the Senator for yielding to me.

Mr. PASTORE. Mr. President, I do not want to argue with my colleagues, because I have the highest respect and affection for them. I think that some sensible messages can be given 30 seconds. Some things one can say and some things one cannot say in that time. For instance—and I do not mean to be personal about it, and I do not want my distinguished colleague to misunderstand—but suppose my colleague should say, "I am Adlai E. Stevenson, Jr. I am the son of a great, illustrious father, a great statesman, and I would like to pursue his career in the Senate, and I would appreciate your indulgence." That can be done in 10 seconds. Is there anything wrong with it. How can we say it is wrong? We cannot say that. That is the question we are dealing with in a very sensitive area. A constitutional question is raised.

Are we to say to an individual that he cannot speak for less than 1 minute if he wants to and let the public decide whether he is saying anything wrong? Let us not deprecate the intelligence of the American people. It does not take them too long to find out a person is a phony. It does not take long. I know that frauds are perpetrated and I know about the Madison Avenue gimmicks. I am merely pointing out that we have pursued this question with the FCC and the General Counsel has rendered a memorandum questioning the constitutionality of the bill. I think we should

not weaken the bill with such a provision and give some one an excuse to veto the bill. I am trying to avoid that.

For that reason I am going to move to lay the amendment on the table.

Mr. HARTKE. Mr. President, did the Senator from Rhode Island make the motion?

The PRESIDING OFFICER. Who yields times?

Mr. PASTORE. Mr. President, I withdraw the motion to table for a moment. I understand that the Senator from Alaska wishes to speak.

Does the Senator from Indiana want more time?

Mr. HARTKE. Mr. President, I just want to ask for the yeas and nays.

Mr. PASTORE. Very well, Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion has been withdrawn. There is no motion pending.

Mr. PASTORE. Mr. President, I yield 1 minute to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I would like to endorse the views of the chairman of the committee; that is, very simply, how can we truly get to this level and try to legislate to outlaw less than 1-minute broadcasts? There is an old saying by Aristotle, "If I had more time, I would write you a more concise memorandum." If a person had more time, he could write a better message, and it might take 20 seconds. That would not necessarily have to be outlawed. The 20-second spot might be good or bad. It is a tool. For us to try to legislate what tool should be is a colossal error, particularly if we do not understand the processes involved, when McKeden and Carpenter and others are trying to probe this matter in a scientific fashion. We do not know the full impact of it. Yet we are trying to legislate on it here. We do not know what the real problem is.

I think it is legislative arrogance to think in terms of outlawing something which is a method of communication. We are not prepared to say whether a message should not be put out in less than 1 minute. Let us have freedom to do it. It is like saying, "Henceforth, you have to advertise only in English." Suppose I wanted to communicate with some people in Polish. Suppose I wanted to communicate with some people in German. Why should that be legislated against? This would be an error which would become obvious 6 months or so from now.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mrs. SULLIVAN, Mr. LENNON, Mr. PELLY, and Mr. KEITH were appointed managers on the part of the House at the conference.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MUSKIE. Mr. President, at the time our Nation was founded, many States had property qualifications for voting. It was believed that only a man who wanted to preserve his land and wealth was responsible enough to participate in political affairs. Fortunately, our concept of political equality has developed tremendously since that time; now the belief that all citizens, regardless of wealth, should have an equal opportunity to participate in politics is an axiom of our political system. This idea that wealth could be a prerequisite for voting today would be met with well-deserved outrage.

But as our practices of equality in voting have grown, our opportunities for equality in seeking office have shrunk. Once again, wealth is a barrier to democratic practice. Today, it is not State statutes, but the extraordinary cost of running a campaign that keeps all but those who can raise vast amounts of money from seeking office. If we do not drastically alter our campaign practices, only those who are wealthy, or who are chosen by the wealthy will be able to compete for elective office. This is an outrage in a democratic Nation.

Certainly, great wealth or the ability to solicit that wealth is not a proper prerequisite for office in a democracy. Nor is it healthy to have elected officials making decisions about the common good knowing that they will depend upon wealthy interests to survive reelection.

The increasing dependence of our elections upon money is a distortion of the elective process and produces terrific pressure towards corruption. As long as millions are spent to sweep men into office on a wave of superficial advertising more appropriate to soap or cereal than national politics, the structure of democratic practice and our faith in that practice will continue to decay.

What our Nation needs is a simple and inexpensive way for each candidate to communicate intelligently and fully with the voters. Our Nation has just that device: television. But we have, nearsightedly, failed to use this public tool to serve the public good.

The central question before us is relatively simple: Will we structure our electoral process so that every candidate has a chance to speak to the voters and that no candidate gets too many chances? Or shall we cynically do nothing of television advertising too often won by the candidate with the bigger wallet?

I think the answer is clear—we desperately need a change. And so I support the major changes in our election laws contained in the Federal Election Campaign Act now before the Senate.

First, I believe media spending should be limited so that no candidate can overwhelm his opponent or the electorate with an advertising campaign of monumental cost, and, in effect, buy his way into office.

While even the poorest candidate will have some access to the voters, he is not protected from a barrage of advertising from a wealthy campaign chest. Such a massive public relations effort serves no purpose. It is a waste of resource and a distortion of the democratic process.

The answer to this problem of money running political campaigns is to limit campaign spending. Ideally, a limit on all spending would be best. But a limit on media spending would be an effective control over spending, because television and radio have such a unique role in public persuasiveness. It is not appropriate that they should be limited, because they are the most expensive part of the present campaign expenditures and because the airwaves belong to the public. Finally, media spending can be monitored relatively easy so that enforcement of spending limits does not become a serious problem.

Therefore, I favor the 5-cent limitation per eligible voter on spending on the electronic media that was contained in the Commerce Committee version of this legislation. I also favor the 5-cent-per-voter limitation on the nonelectronic media. The 5-cent-per-voter limitation on television and radio spending is near the outer limits of effective control; I personally believe that a 5-cent-per-registered-voter limitation would be more effective and realistic. But I feel the compromise at a 6-cent level that was agreed to yesterday will be both reasonable and effective.

I also strongly favor the provisions of this bill which require candidates to be sold television and radio time at the lowest unit cost for the station during elections. This means that candidates will not have to pay expensive rates, thereby sharply increasing the costs of campaigning.

A second major reform contained in this bill is the provision for the disclosure of campaign financing. It is time that the financing of elections in the United States came out into the open. This will permit honesty in the solicitation and use of these funds. It will allow the public to judge the type of financial support that each candidate receives as well as each candidate's possible dependence upon individuals or groups with particular views. Public disclosure will do much to restore confidence in our electoral processes. Therefore, I favor the disclosure provisions contained in this legislation which will require public listing of all contributions and expenditures of over $100 relating to political campaigns

The third and vitally important part of the legislation is the tax credit provisions which encourage small contributions to campaigns for Federal office. These provisions are an important attempt to encourage widespread support for candidates for Federal office, thus decreasing their dependence upon large contributors. I hope they will be passed by the Senate this year.

A combination of media spending lim-

its and widespread small contributions could alter the entire structure of American campaigning. There would be a limit to how much money any candidate reasonably needs, and there would be access to funds for any candidate who has widespread appeal. This would allow any candidate, regardless of his access to resources, to compete fairly for public office.

Much of the credit for the present legislation must go to Senators PASTORE and CANNON who have worked so hard on this complex legislation. They deserve our commendation.

Mr. President, the legislation before us today will provide one of the most far-reaching and significant reforms in our campaign processes in our Nation's history. It will restore confidence in the openness and honesty of our elections. And it will remove the influence and the belief in the influence of money in the selection of our most important leaders. I feel it is absolutely essential that this legislation be enacted into law this year.

Mr. TALMADGE. Mr. President, the legislation which I am privileged to cosponsor with the Senator from Rhode Island, the Senator from Nevada, and the distinguished majority leader, represents a major effort in an area vital to our democratic society—the problem of campaign reform and exorbitant campaign costs.

It is of concern to those who either hold or plan to run for public office. More importantly, it is of vital concern to the electorate—the people of this country who are entitled to the best leadership and the maximum possible influence in the electoral process.

It is alarming that the right to seek public office is rapidly becoming contingent upon the independent wealth of the candidate or the ready availability of large-scale financial support from groups with a particular ax to grind.

I think all of us will agree that the situation worsens with every election. If this trend is not arrested, we may arrive at a day when elections are nothing but a spending contest between powerful vested interest groups to see who can present the slickest and most commercial package to the American voter. In a word, Mr. President, the objective of this legislation is to provide maximum information to the voters consistent with reasonable spending limitations.

In pursuit of these objectives, we have devised a comprehensive approach. The provisions of this legislation deal with the use of the communications media, spending limitations, and disclosure and reporting requirements.

In its substantive provisions, the legislation repeals the equal time requirement in primaries and general elections for the office of President and Vice President of the United States.

It further requires both broadcast and nonbroadcast media to charge candidates at the lowest unit rate of advertising during specified periods before the primary and general elections.

The bill also enacts limitations on campaign spending. Candidates for Federal elective office can spend 5 cents for each resident of voting age or $30,000, whichever is greater. This amount can be spent in the broadcast media, and a similar amount can be spent in the nonbroadcast media. This sum can be spent in primaries, runoffs, and general elections. Amounts can be expended only by the candidate himself, or upon the written authorization of the candidate or his representative. Finally, there is a provision which adjusts the spending limitation automatically, based on the consumer price index.

The disclosures and reporting requirements of the bill apply to every candidate for Federal elective office and every political committee which spends over $1,000 in a calendar year for the purpose of influencing an election.

Any expenditure or contribution in excess of $100 must be reported along with the name and address of the donor or the person on whose behalf the expenditure is made.

Under the bill's punitive provisions, a violation of the act by a candidate, a member of the media, or a third party can be punished by a $50,000 fine, a 5-year prison sentence, or both.

Mr. President, the need for a bill of this nature is clear. We are attempting to strike a delicate balance here—but it is one which must be struck.

The spending limitations must be sufficiently broad to allow the candidate to adequately acquaint the voters with himself and his program.

Within a democratic society, the road to public office must be free and open. Instead, we are turning it into a toll road—and the toll is becoming prohibitive.

Furthermore, we should remember that the vote in this country is the cornerstone of our liberties. Countless patriots have given their lives to secure it for us. Americans have a sacred obligation to exercise their franchise and to do so in an informed and intelligent manner.

A limitation on campaign expenditures which is too severe would defeat this purpose. But so also does no limitation at all. The superabundance of campaign money has resulted in the injection of public relations firms into the electoral process. Candidates are being presented to the public in slick commercial packages like so many new cars. The public relations firm which helps the candidate construct his image will not be there to help him after his election. The public needs to know the man himself, not a carefully constructed image.

Perhaps the most important function of this bill is that it will return elections to a mutual exchange of information instead of a massive sales campaign. In so doing, it serves a salutary purpose, and I wholeheartedly recommend its adoption.

Mr. MATHIAS. Mr. President, as you know, I have introduced amendment No. 291 to S. 382 for the purpose of creating a franking privilege at reduced rates for all candidates—incumbents and challengers alike.

I do not wish to encumber this bill with amendments which do not go to the heart of S. 382—amendments which neither tighten up nor plug up holes in the reported bill. In the little time remaining before recess, the Senate has enough of these substantive amendments to consider. I would rather see the Senate spend its time on these, for I feel the more we add to the bill, rather than spending time to clarify the already existing bill, we are likely to give campaign reform a lethal blow.

Therefore, I shall not call up amendment No. 291, upon the assurance from the chairman of the Post Office and Civil Service Committee, that his distinguished committee will consider hearings on this matter as soon as possible.

I strongly believe in this concept of the franking privilege; it will greatly equalize the candidates before the eyes of the public as well as decrease the great advantage of incumbents in all Federal elections.

And I do not think this Chamber can proceed in this important matter without the benefit of this committee's views, I am glad to be able to submit for the Senate a copy of the chairman's letter assuring us of his intention to give this matter prompt attention.

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

AUGUST 2, 1971.

Hon. CHARLES MCC. MATHIAS, Jr.,
United States Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your note concerning your interest in removing your amendment No. 291 to S. 382, the Federal Election Campaign Act of 1971.

Like you, I see great advantages to limiting the number of amendments to the campaign reform bill. Your offer to withdraw your amendment is commendable.

As you know, the Administration has introduced legislation which comes very close to accomplishing what this amendment would provide. This administration bill has already been referred to this Committee.

Although we have not yet had the opportunity to hear this legislation, you can rest assured that following the August recess this Commitee will schedule hearings as soon as the calendar allows.

Best wishes.

Sincerely,

GALE MCGEE,
Chairman.

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, I would hope if this amendment should have an opportunity to come up again, in event the motion to table is not agreed to, that there would be a great deal of research by the proponents of the amendment, and not only as to the first amendment but as to the fifth amendment and the equal protection clause under the 14th amendment, because we are not dealing with the question of whether the Senate should legislate against a particular group, but we are legislating for a distinct group against the ability of another group to function under another set of rules and regulations. This poses a serious constitutional question, and not merely with respect to the first amendment. I would hope that a great deal more research would be done in this field before the amendment would be adopted by the Senate.

Mr. PASTORE. Mr. President, I move that the amendment be laid on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Indiana for himself and other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 74, nays 17, as follows:

[No. 192 Leg.]

YEAS—74

Aiken	Dominick	McClellan
Allen	Eagleton	McGee
Allott	Eastland	Miller
Anderson	Ellender	Mondale
Baker	Ervin	Montoya
Beall	Fannin	Moss
Bellmon	Fong	Pastore
Bennett	Gravel	Pearson
Bentsen	Griffin	Pell
Bible	Gurney	Prouty
Boggs	Hansen	Randolph
Brock	Hart	Saxbe
Brooke	Hatfield	Schweiker
Buckley	Hollings	Scott
Burdick	Hruska	Smith
Byrd, Va.	Hughes	Sparkman
Byrd, W. Va.	Inouye	Spong
Cannon	Jackson	Stennis
Case	Javits	Symington
Chiles	Jordan, N.C.	Talmadge
Church	Jordan, Idaho	Tower
Cook	Kennedy	Tunney
Cotton	Long	Weicker
Curtis	Magnuson	Young
Dole	Mathias	

NAYS—17

Cooper	McGovern	Proxmire
Cranston	McIntyre	Ribicoff
Fulbright	Metcalf	Roth
Hartke	Muskie	Stevens
Humphrey	Nelson	Stevenson
Mansfield	Packwood	

ANSWERED "PRESENT"—1

Taft

NOT VOTING—8

Bayh	Harris	Thurmond
Gambrell	Mundt	Williams
Goldwater	Percy	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. PASTORE. Mr. President, I yield 12 minutes on the bill to the Senator from Missouri.

Mr. LONG. Mr. President, will the Senator from Missouri yield me just 1 minute?

Mr. SYMINGTON. I am happy to yield to the Senator from Louisiana.

MILITARY CONSTRUCTION AUTHORIZATION BILL

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5208.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. LONG, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. HATFIELD conferees on the part of the Senate.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. SYMINGTON. Mr. President, the Federal Elections Campaign Act of 1971 offers an enforceable, and reasonable method of requiring a candidate, or political organization, to account for receipts and expenditures made in seeking Federal office.

In a democracy, accountability to the public is the foundation of Government.

An informed public must be given "maximum information" about those who hold public office if they are to have an opportunity to properly evaluate their actions and decisions. This accountability cannot begin with the holding of a Federal office. It must also apply to those who are candidates for Federal office.

Accountability alone, however, is not enough. Reasonable limitations must be applied to the expenditures of a candidate so as to prevent any person with unlimited resources from "buying" an election; and also to encourage those qualified people without such resources to nevertheless seek public office.

Recently the chairman of Common Cause, the Honorable John W. Gardner, observed to All American citizens,

You Are Being Had.

Mr. Gardner went on to say,

It isn't a pleasant thing to admit that in this great nation elective offices can be purchased; that votes of Federal, State and local officials are bought and sold, every day; that access of the people to their government is blocked by a "Chinese wall" of money. It isn't pleasant but it's a fact—and, today, a dangerous fact.

Mr. Gardner presented a thesis which should guide democratic Government in the United States, when he also stated:

People need to feel they have access to their government. They need to believe their government is responsive. They need to feel it can be called to account. But whenever they look they find that the access of money to power is blocking the access of people to power.

The legislation before us represents a major bipartisan effort in the Congress to close the loopholes; and to make accountability as much a part of a political campaign as any issue before the candidates.

At the same time it proposes fair limitations on the amounts which candidates can spend on broadcast and non-broadcast media—areas which have experienced a "spiraling competition" of rising costs in Federal elections.

It is shocking indeed to note some of the loopholes which a candidate can now use to prevent disclosure of all contributions and expenditures made on behalf of his candidacy.

Although millions of dollars have been spent on primary election campaigns—as well as in efforts to secure a party nomination for the presidency—a candidate does not have to report those expenditures.

Committees working on behalf of a candidate who state they do so without the "knowledge or consent" of the candidate, and who do not operate in more than one State, are not required to make Federal reports of their receipts and expenditures.

A candidate's report often does not reveal the identity of contributors by failing to provide a "complete address." In some instances, as was true with respect to contributions to the campaign of my recent opponent, large contributions were made and were reported as anonymously given.

Even if some provision of the Corrupt Practices Act is violated, as of today there are not sufficient resources or procedures for investigating and bringing action against a candidate or committee which violates the law.

Furthermore, the laws of the respective States generally leave the committees which support a candidate various means of hiding their true activities and actual expenditures.

As illustration, recent articles in the St. Louis Globe-Democrat and the St. Louis Post-Dispatch reveal how loopholes in the State and Federal laws may be employed.

These articles refer to the fact that my opponent in the 1970 Missouri senatorial campaign, who was then, and still is, the attorney general of our State, asserted that he was not aware for some time that treasurers of committees which had supported his candidacy had filed their reports in the States of Illinois and Oklahoma rather than in Missouri.

In other words, voters of the State of Missouri not only did not know before the election, but do not know as of to-

day, the amount of money spent, or the names of all his contributors.

Nevertheless, my opponent did say that the treasurer of one committee was a Mr. Sam Powell, who served during my opponent's campaign as his press secretary; also, that the committee report in question was filed in Oklahoma, but that he did not know where.

The voters of Missouri still do not know, because members of the news media have been unable to find where they were filed, or even whether they were ever actually filed.

According to State Senator John J. Johnson, who brought these facts to the attention of the Missouri Senate, the Illinois treasurer served as the treasurer of 43 committees in Missouri, and raised tens of thousands of dollars on behalf of my opponent.

But his reports were filed in Illinois.

My opponent also was reported as saying that he knew the treasurer of these committees was raising money for him, but that he had no knowledge of the committees involved.

In an editorial on this issue of accountability to the public, the Daily Dunklin Democrat of Kennett, Mo., called for a new State Corrupt Practices Act, stating in the editorial:

As the State's chief law enforcement officer, Mr. Danforth has some obligation to observe both the spirit and the letter of the law . . .

I ask unanimous consent that the text of these articles: "Danforth Explains Filing of Reports Out of State," St. Louis Post-Dispatch, June 10, 1971; "Danforth Backers Filed Campaign Reports in Illinois," St. Louis Globe-Democrat, June 10, 1971; "Campaign Expense Loopholes," the Daily Dunklin Democrat, June 14, 1971, be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, June 10, 1971]

DANFORTH EXPLAINS FILING OF REPORTS OUT OF STATE

(By Louis J. Rose)

JEFFERSON CITY, June 10.—Republican state Attorney General John C. Danforth acknowledged yesterday that some reports listing campaign contributions in his unsuccessful race for Senator last year were filed in Illinois and Oklahoma, rather than Missouri.

He denied, however, allegations by State Senator John J. Johnson (Dem.), Affton, that this violated the spirit of the law by utilizing a loophole in Missouri's Corrupt Practices Act governing reporting of campaign contributions.

Johnson criticized Danforth in remarks on the Senate floor and produced photostats of reports filed last December in Madison County, Ill. The reports listed contributions totaling $53,000 to various committees that worked on behalf of Danforth's candidacy.

The reports were filed by Louis P. Holst, treasurer of the committees involved.

Johnson said a loophole in Missouri's Corrupt Practices Act apparently permitted a candidate to avoid filing a report in Missouri by having a resident of another state serve as a treasurer of his campaign committee.

He asked the General Assembly to set up an interim committee to review and rewrite state statutes governing campaign contribution reporting requirements.

Johnson told the Senate it was not his intention to single out Danforth as the only candidate to take advantage of the reporting loophole.

"It is common knowledge that these laws are seldom enforced and they are, indeed, widely violated and ignored by many," Johnson said. "It does appear to me, however, that when campaign committees for the chief law enforcement official of this state feel free to start using loopholes in the law, then the time has come for the General Assembly to take some action to have meaningful and enforceable corrupt practices laws."

Danforth told the Post-Dispatch that he was not aware of the existence of the committees involved in the Illinois reports until about two months after the general election last November. He said he learned also at that time that similar reports had been filed in Oklahoma but said he did not inquire into the amounts of contributions listed in the Oklahoma reports.

Danforth said Holst was a certified public accountant with offices in St. Louis and was the father of Cathy Holst, who was a staff assistant in Danforth's campaign. He said Holst filed the reports in Illinois because he was a resident of that state.

Of the $53,000 in contributions cited in the Illinois reports, $26,000 was given by Randolph P. Compton, an uncle of Danforth. Compton's home is in Scarsdale, N.Y.

Danforth said that throughout his campaign he remained aloof from fund-raising efforts. He did not want, he said, to become involved in soliciting contributions for fear this would "impair my independence."

He said he never violated either the spirit or letter of the law. "I think the only thing you can do with the laws that set specific requirements is comply with them. I am confident no law has been violated," Danforth said.

The reports filed in Oklahoma, he said, were submitted there because the treasurer of the committees involved was Sam Powell, whose home was in Oklahoma. Powell was Danforth's press secretary in the campaign.

Danforth questioned why he was singled out by Johnson and called on him to make public the names of other candidates whose campaign committees may have filed reports in other states.

He said he would not be surprised if the same was true of committees that aided Stuart Symington, particularly committees that may have been set up in the Washington, D.C., area. Symington, a Democrat, won re-election to a fourth six-year term in the Senate last year by defeating Danforth by 37,500 votes.

[From the St. Louis Globe-Democrat, June 10, 1971]

DANFORTH BACKERS FILED CAMPAIGN REPORTS IN ILLINOIS

JEFFERSON CITY.—Some fund-raising committees for Attorney General John C. Danforth's campaign for the U.S. Senate in 1970 did not file their reports in Missouri; they filed them in Illinois and Oklahoma.

These reports were brought to the attention of the Missouri Senate Wednesday by Sen. John J. Johnson (Dem.), Affton, as he cited what he called a loophole in the corrupt practices statute in Missouri. He said he was not singling out the attorney general.

"It is common knowledge that these laws are seldom enforced and they are, indeed, widely violated and ignored by many," the senator said

But, he said, the attorney general is an example, and he produced documents showing that at least $53,000 was raised by 43 committees in Missouri, but the reports were filed in Illinois.

The Missouri statute reads that such fund-raising committees must make reports "in the office of the recorder of deeds of the county in which such treasurer resides."

Johnson said the treasurer of the Danforth committees in this instance was Louis P. Holst, who lists his residence as Madison County, Ill., and the reports were filed in Madison County.

Danforth told The Globe-Democrat that he had intentionally isolated himself from the fund-raising committees in his campaign last year against Sen. Stuart Symington. He said he knew Holst as an accountant and the father of a girl who worked in his campaign office in St. Louis.

He said he had no knowledge of the committees mentioned in the report and did not know that Holst was raising money for him.

"There were a number of people operating a variety of stuff in the campaign," Danforth said, "and I remained very remote from the contributors."

Johnson called on the Senate to set up a study committee on the corrupt practices act.

"Since this is a Missouri law and the campaign for elective office is within Missouri, it certainly would indicate that the intent of the law is such that it presumes that a campaign committee report should be filed in the state of Missouri," Johnson said.

"Not so. The loophole in the law apparrently permits a candidate to simply find a resident of another state to serve as a treasurer of his campaign committee and thus avoid filing the report of campaign receipts and expenditures within the state of Missouri. The likelihood of Missouri citizens having knowledge of campaign contributions is thus greatly diminished."

He added that it appeared to him, though that when the campaign committees of the chief law enforcement official of the state feel free to use loopholes, "then the time has come for the General Assembly to take some action."

Danforth said he was curious as to why Johnson singled him out when he admitted "that others are doing the same thing."

He said he was ready and willing to help the legislature improve the election laws and had said so in the past.

"The laws should provide for a complete disclosure of all receipts to candidates, before, not after, the election," he said.

Danforth told The Globe-Democrat that there was a similar operation in Oklahoma for his candidacy. He said he did not know how much money was collected there.

He said the treasurer there was Sam Powell, who ran his Jefferson City office during the campaign. He said reports were filed in Oklahoma but he did not know where.

"I think both treasurers were even overzealous in filing the reports in the counties where they live, complying with the Missouri law," he said.

Reminded that the Missouri law does not cover Illinois or Oklahoma, Danforth said there was "no reason why they needed to file at all."

Danforth said he did not know how much was spent on his entire campaign. But he said the amount contributed in Illinois "was hardly a major share of the expense."

Two of the major contributors on the Illinois reports were an uncle of Danforth and "anonymous."

The reports show that Randolph P. Compton, whom Danforth identified as his uncle from Scarsdale, N.Y., gave $26,000 through the Holst committees. Danforth said he did not know why his uncle chose to donate in this manner.

"Anonymous" donated $15,000. Danforth said he did not know who this was.

Other contributors were Spencer T. Olin, chemical company executive from St. Louis, with $6,000; the National Republican Senatorial Committee, with $5,000, and F. M. Webb with $1,000.

Holst made affidavits certifying himself as the head of the St. Louis Television Committee for Danforth, the Greene County Committee for Danforth, the Jackson County Television Committee for Danforth, the St. Louis County Television Committee for Danforth, the Jackson County Citizens Committee for Danforth and the City of St. Louis Citizens Committee for Danforth.

All of these are Missouri committees for the general election campaign. The rest of the 43 committees Holst listed himself as treasurer of in the primary election were also in Missouri, and the report for the primary filed in Madison County noted that there were no receipts and no expenditures.

Of Holst, who headed this multitude of committees in his behalf, Danforth said:

"I think I met him. In fact, I did shake hands with him."

[From the Daily Dunklin Democrat, June 14, 1971]

CAMPAIGN EXPENSE LOOPHOLES

We must confess ignorance to a loophole in Missouri's election laws permitting candidates and their campaign officials to file expense reports in another state. It was not until state Sen. John Johnson, St. Louis County Democrat, revealed that some of John Danforth's 1970 expense accounting has been filed in Illinois and Oklahoma that we were aware such was possible under what is obviously a loosely-worded state law.

Sen. Johnson provided the evidence, with photostat copies of reports filed last December in Madison County, Ill., for the unsuccessful Danforth campaign for U.S. Senator. Other Danforth campaign reports were filed in Oklahoma.

Danforth told reporters he was not aware of the campaign reports being filed in Illinois until about two months after the November election. We believe him. But what we do question is his permitting this to occur after he learned of it, as well as his failure to determine just how much was listed on his campaign expense report in Oklahoma. As the state's chief law enforcement officer, Danforth has some obligation to observe both the spirit and the letter of the law, and we're certain that even Clyde Orton and Jet Banks would rule that if Danforth did not violate the actual provisions of the staute, he certainly violated the spirit.

Sen. Johnson is correct in his contention that Missouri's corrupt practices act should be tightened. There are now too many loopholes in the law, as evidence the failure of some Bootheel candidates to file any report at all, while others file what appear to be highly erroneous reports.

The corrupt practices act was written, of course, by men who were elected to public office and it can be reasonably assumed wished to remain in public office. They are not inclined to be overly-stringent in writing regulations concerning their own conduct at election time.

Perhaps it is time for other groups to suggest a model law that would permit the state to have an accurate accounting of all expenses from all candidates—and filed in this state. Perhaps it would be well if a group such as the Missouri Bar Association tried its hand at writing a model law. Most certainly the Missouri Bar could do much better than the Missouri Legislature has done.

Mr. SYMINGTON. Mr. President, the Federal Elections Campaign Act is the thoughtful product of many experienced Members of the Senate and goes far toward closing these and other loopholes which exist in the present law.

Without the confidence of the people in their Government and those who lead it, our Nation cannot stand erect. That confidence can only be earned by the honesty and candor of elected officials, as they perform their responsibilities to those they represent.

Loopholes in the law which have permitted deception, and incomplete disclosure in the past, have earned no confidence, rather the distrust and suspicion of the voter; and this would seem to have discouraged many able and experienced citizens from involvement in fields of public service.

The report of the Committee on Commerce perhaps best summarizes the necessity for this legislation when it stated:

No one individual or group stands to gain under S. 382. The American people do, however, because they have staked their all on a democratic system of electing their leaders—and the integrity of that system is now being threatened.

In summary, Mr. President, integrity incident to the election process, along with the confidence of the American people in that process, are too vital to the concept and workings of our form of government to permit further delay in achieving needed and meaningful reform in the rules which govern campaign spending.

It is for these reasons that I support this bill and would hope it is approved by the Senate.

AMENDMENT NO. 315

Mr. DOMINICK Mr. President, I call up my amendment No. 315.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. DOMINICK. Mr. President, I ask unanimous consent that my amendment be modified to conform with the Pastore substitute amendment to S. 382

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

The amendment, as modified, reads as follows:

On page 17, between lines 2 and 3, insert the following:

"SEC. 206. Chapter 29 of Title 18, United States Code, is amended by adding at the end thereof, the following new section:

"§ 614. Use of labor organization funds for political purposes.

"(a) No part of the dues, assessments, or other moneys collected by a labor organization from any person covered by an agreement requiring membership in such organization or the payment of dues, fees or other moneys as a condition of employment shall be made available to or for the benefit of any candidate or political committee.

"(b) Any person who willfully violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both."

On page 17, in line 3, strike the words "Sec. 206" and insert in lieu thereof the words "Sec. 207".

On page 17, between lines 10 and 11, insert the following:

"(4) adding at the end of such title the following:

"614. Use of labor organization funds for political purposes."

Mr. DOMINICK. Mr. President, I yield myself 15 minutes at this time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, I might say for the benefit of the Senate that I do not intend to take much time because I do not think it will need much time to explain the amendment.

Mr. President, this amendment is aimed at correcting what I view as a great infringement on the rights of many individual union members in the United States—the use of funds collected from employees, subject to compulsory union membership or compulsory payment of fees for the support of political candidates unknown to the member or not really supported by the union member.

The single most important factor in the elective process is the right of any private citizen to participate in a political campaign—in other words, to engage in some form of political activity. As the debate on this bill amply demonstrates, that participation today often takes the form of financial support or contributions. I believe that this participation is gravely abused by the practice of labor organizations in providing, through political education committees and other dummy groups, financial aid to candidates from union dues assessed against the membership. The records of the Clerk of the House and various State offices show that in the 1970 senatorial campaign, labor oragnizations admit to expending a total of $1,767,044.73 on behalf of senatorial candidates. Six senatorial candidates received over $100,000 from various labor groups with two of these getting over $150,000. Another eight got between $50,000 and $100,000 while 19 others got between $10,000 and $50,000. One estimate places total union spending for all campaigns at over $10,700,000. In 1968, 46 labor union committees reported expenditures of $7,631,868 to the Clerk of the House of Representatives for a percentage of 12.2 percent of total outlays.

These vast expenditures are made in the face of the current law. As we all know, section 610 of title 18 of the United States Code proscribes the expenditure of money by a labor organization "in connection with any election at which Presidential and Vice Presidential electors, or Senator or Representative, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select political candidates for any of the foregoing offices."

Violation of this section by labor organizations are punishable by a fine of not more than $5,000. Officers of the organization who consent to the expenditure shall be fined up to $1,000 or imprisoned for up to 1 year.

Section 610 defines a labor organization as "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Because of this definition, labor orga-

nizations are able to avoid direct violations of this law by setting up the so-called political education committees to receive union funds and then distribute them to various candidates. This is frequently accomplished with only the thinnest veil of disguise. In addition, the law does not circumscribe the use of union dues money for State and local elections.

Mr. President, I do not really begrudge this use of "political education" committees by labor organizations to circumvent the section 610 provisions. Many other interest groups utilize the same gimmick. What I do object to—and this is the crux of my amendment—is the funding of these "political education" committees—and through them various candidates—with funds collected under some form of compulsory union membership or fee-paying agreement.

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

Mr. DOMINICK. I would be happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I voice my concern along with that expressed by the distinguished Senator from Colorado.

I would like to note that just a few months ago a group of McDonnell Douglas Corp. employees in California achieved a notable legal victory. In 1967 they filed a lawsuit challenging the use of their compulsory "agency shop" fees for political purposes. Their complaint was dismissed by the trial court, but last year their appeal was upheld by the U.S. Court of Appeals for the Ninth Circuit. In a commonsense opinion reversing the trial court, the Court of Appeals held as follows:

> The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and causes the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own convictions, their own ideas and support their own causes." (*Seay* v. *McDonnell-Douglas*, 427 F. 2, 996, CA9 (1970)).

Mr. President, rejection of the pending amendment will unfailingly serve to encourage the continued use of forced union dues and fees for partisan political purposes. If we defeat the amendment, our constituents will conclude that the Senate is unconcerned about the intolerable plight of conscripted union members. I appeal to my colleagues to approve the Dominick amendment.

I thank the Senator from Colorado very much.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Wyoming, who has done a lot of very able work in this field. I think the McDonnell Douglas case is about as much on the nose of what I am driving at as anything I know of. I am delighted that the Senator brought it up.

It will be noted that my amendment provides that where there are compulsory union dues or assessments as conditions of employment, they cannot use any portion of those moneys for political purposes.

That does not touch the labor unions' ability to do a lot of other things. They can conduct lobbying and exert legislative influence and anything they want to along those lines that is legal. However, they cannot support political candidates.

Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the Senator for yielding. I am pleased to associate myself with the arguments made on behalf of this amendment and to give strong support to his amendment.

Frankly, I do not see how any Senator can maintain he is for campaign spending disclosure reform if he is against this amendment.

The amendment of the Senator from Colorado would block the biggest loophole that is left in the bill as reported. We will be only fooling the public. I will vote for the bill as will other Senators, even if the amendment is rejected because, realistically, we have no choice. But we will not reform the situation without the amendment of the Senator from Colorado.

Mr. DOMINICK. I deeply appreciate those remarks.

Mr. GRIFFIN. If the Senator will allow me, I wish to point out that under the law at present, a labor organization can collect dues from workers who are required to belong to the union in order to hold their jobs and use those dues for political purposes in many different ways.

It is true that the law provides that a labor organization cannot contribute money directly to a canidate for Federal office, but that does not preclude a labor organization from supporting a candidate for Federal office in many other ways, and, of course, much of the money collected as union dues is used in other ways to support the candidacy.

Of course, the Corrupt Practices Act does not prevent the use of union dues collected under union shop agreements from being used directly to support the candidacy of candidates running for other than Federal office, for example, for governor in most States, or people running for judgeships, prosecuting attorneys, and many other offices. The Federal law does not apply.

During the last election in Michigan there was a strike against the General Motors Corp. As I understand it, and as was widely reported, union members were given an option: They could either walk the picket line and receive their strike benefits or they could get out and work in the campaign and receive their strike benefits.

There is nothing illegal in that so far as the present law is concerned, because that involved a State office and not a candidate for Federal office.

I will be interested to listen to the arguments against the amendment. The Senator's amendment in no way would infringe upon the right of a labor organization voluntarily to have a political committee and voluntarily to receive contributions to be used for political purposes.

Mr. DOMINICK. The Senator is totally correct.

Mr. GRIFFIN. The only restrictions are the use of union dues that are collected when a person is required to join a union in order to hold his job.

For many years we have been fighting the battle in the Senate as to whether section 14(b) of the Taft-Hartley law should be retained. Section 14(b) of the Taft-Hartley law leaves it up to each State to determine whether compulsory unionism should be legal.

A few years ago when I was serving in the other body this issue was coming up again. I introduced a bill to repeal section 14(b) of the Taft-Hartley Act, providing, however, that any union that required membership as a condition to work was restricted in three ways: Their union shop agreement would be void if, first, they discriminated on the basis of race, color, or creed in admission or membership; two, if they discriminated on the basis of religion; and, three, if dues collected under such agreement were used for any purpose other than collective bargaining and legitimate union business.

Mr. DOMINICK. I wish they had adopted it.

Mr. GRIFFIN. In Michigan I had no trouble explaining the validity of that kind of provision to workers. Every group I talked to said, "That is fine. We do not think our dues should be used for political purposes."

I do not see why we do not stand up for that in the Senate.

Mr. President, I hope the Senator's amendment is agreed to.

Mr. DOMINICK. Mr. President, I appreciate the Senator's remarks.

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

Mr. DOMINICK. Mr. President, I yield myself 15 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I know the tremendous expertise which the Senator from Michigan has in this field. He is one of the authors of the Landrum-Griffin bill.

In this colloquy I wish to say that I introduced similar legislation when I first entered the Senate. We never had hearings on that legislation. I have introduced it in every Congress since and still there have been no hearings.

During a recent election period, when I was not one of those running for election, two union members came to my office in Colorado. They were complaining about pension-welfare funds of their unions.

In the process of that meeting they started out by saying, "Why can't we do something about determining where our dues go?" I said, "I have a bill in to that effect. The bill provides that they would not be able to use dues for political purposes on behalf of a political candidate." Both of these men said, "Holy smoke. Get us a copy of that bill and we will get you 2,000 signatures." I gave them a copy of the bill and they came back with 5,000 signatures.

Mr. President, union members and their families object strenuously to having dues collected expended for political candidates they do not support.

Mr. GRIFFIN. I wonder if those who are strong advocates, as I am, of civil rights do not see the relationship of this particular amendment to civil rights because certainly there is very much in-

volved in the civil rights of an individual who wants to work. In effect, by using his dues, which are collected under compulsory agreements, for political purposes, the union is thereby decreasing or infringing upon his franchise and interfering with his full rights as a citizen of the United States.

The worker may be going out and voting against a candidate and his dues are being used against his point of view.

Mr. GRAVEL. Mr. President, will the Senator yield for a question on that point?

Mr. DOMINICK. I yield.

Mr. GRAVEL. I do not particularly understand this feature where dues are actually used. Can the Senator give me an example of where in the country that money is collected and turned over for that purpose?

Mr. GRIFFIN. Mr. President, will the Senator from Colorado yield to me?

Mr. DOMINICK. I yield.

Mr. GRIFFIN. If the Senator's point is that dues are not being used, he could certainly join in this amendment and support it. Will the Senator support the amendment?

Mr. GRAVEL. I would be happy to but I do not think it is broad enough.

Mr. GRIFFIN. I thank the Senator very much.

Mr. GRAVEL. If the Senator wants to shackle labor unions I think we should do it to corporations because I can give the Senator chapter and verse how corporations shell out money to executives and they turn around and give it to politicians. If the Senator wants to attack organizations let us amend this amendment, and if the Senator will support that I will support this—to include all corporate funds, so that anyone getting paid from a corporation cannot donate to a political candidate.

Mr. GRIFFIN. This amendment does not state that someone working for a labor organization cannot voluntarily, if he wishes, support a candidate for office.

Mr. GRAVEL. What is the Senator's definition of "other moneys collected"? If the head of a labor organization wants to form an organization to collect money under this amendment, he could not do it. You are actually making second-class citizens out of people who belong to labor unions but still do not do that to corporate people, also.

Mr. DOMINICK. Is the Senator asking a question?

Mr. GRAVEL. Yes.

Mr. DOMINICK. Otherwise, I would insist on my right to the floor.

The point I am making is with respect to dues that are a condition of employment in a union shop, or where you have assessments which are a condition of continuing employment. That happens in a union shop. It happens in other types of labor agreements where the worker is required, as a condition of employment, to pay in those dues, and in most instances the corporation itself is the one that checks off those dues given to the labor union, which then gives them to COPE or other organizations, and that money is used in behalf of a political candidate.

It may be that some other organizations do the same thing, and the Senator from New York has an amendment which may enlarge the scope of this amendment, but before I yield on that, I will finish what I have by way of a statement and then I shall be glad to answer questions, as I said I would.

The Senator from Iowa said he had a question, and I yield to him.

Mr. MILLER. I had a question I would like to ask.

Reading from the amendment, it states:

> No part of the dues, assessments, or other moneys collected by a labor organization...

Mr. DOMINICK. Yes.

Mr. MILLER. If I understood the colloquy between the Senator from Colorado and the Senator from Michigan, this does not stop COPE from operating.

Mr. DOMINICK. Not a bit.

Mr. MILLER. COPE can go out and collect dues from individual members.

Mr. DOMINICK. Yes.

Mr. MILLER. Because it is not a labor organization.

Mr. DOMINICK. That is right, but it can only do it on a voluntary basis.

Mr. MILLER. That is right. I think it is important, because some people confuse COPE with a labor organization. It is not; it is a committee which has to do with political activities, but it does not have to do with membership of the people who work in plants.

Mr. DOMINICK. The Senator from Iowa is totally correct.

Mr. MILLER. If that is so—and I believe the Senator from Michigan said this would not prevent committees from being established for that purpose——

Mr. DOMINICK. That is correct.

Mr. MILLER. Then the question is, if committees can be established for that purpose—if COPE, for example, can still collect contributions—are those committees covered by the clean elections bill?

Mr. DOMINICK. I believe that they are to this extent: What I am saying here is that the committee on Political Education—COPE—can form very useful purposes for the union people. They can lobby down here for and against a bill. They can go out with the money they receive from voluntary contributions and support a candidate or oppose another candidate. The only thing I am trying to get at is to prevent the dissolution of an involuntary subrogation of the dues. The rest of it I am not even touching.

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

Mr. DOMINICK. I yield.

Mr. MILLER. I know what the Senator is trying to get at, but as long as the Senator from Michigan brought this up, I think the Senate ought to understand one thing clearly: Whether or not the committees the Senator from Michigan referred to, which would include COPE, are required to comply with the reporting requirements and the other provisions in the bill. I do not know, because I am not on the committee that considered the bill, and I do not find anything in the committee report which makes that clear; but, as a matter of legislative history, I think we ought to have it understood one way or the other.

Mr. DOMINICK. I would say, in reply to my friend from Iowa, that I would interpret it as covering those groups because they are organizations and associations which would be contributing to or on behalf of a candidate, and therefore would presumably have to file.

Would the Senator from Rhode Island agree with that?

Mr. PASTORE. That is right. That is absolutely correct; and under the law, union dues cannot be used for political purposes. That is the law. Are we talking about a voluntary checkoff?

Mr. DOMINICK. No; we are talking about involuntary dues or dues paid as a condition of employment.

Mr. PASTORE. Do we have proof that that is happening?

Mr. DOMINICK. All the time.

Mr. PASTORE. What does the Senator mean, all the time? Can he give us the cases? Let us not issue an indictment here——

Mr. DOMINICK. I gave the Senator the cases of the fellows who came into our office and said this is happening to them with respect to their dues.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I do not want the statement of the floor manager, for whom I have high regard and affection, to go unchallenged. The corrupt practices law does not say a union cannot use dues for political purposes. It says only that a union cannot use dues to contribute to a candidate for public office. That leaves a lot of room. They can do anything else with the dues except contribute them to the candidate for public office. They can spend money for television programs. They can spend money for advertising. They can bid workers to go out and register voters. They can go out and get voters to vote for a political candidate. They can contribute to Americans for Democratic Action, and that organization can contribute money to a candidate. So there are many ways the law can be avoided. The Senator's amendment closes the loopholes of the abuses. If there is agreement on this, I do not see any reason for objection to the amendment.

Mr. DOMINICK. Mr. President, I will yield myself more time in order that questions may be asked, but I would like to finish my statement.

Mr. PASTORE. All right. We have plenty of time.

Mr. DOMINICK. In the United States today, there are approximately 20 million workers covered by collective-bargaining agreements and of these nearly 80 percent are covered by some form of compulsory union membership agreement. Looking at the largest union agreements, Department of Labor figures show that in 1970 there were 252 collective-bargaining agreements which covered 5,000 or more workers. These 252 agreements covered 4,103,075 workers. Two hundred and eighteen of these agreements covering over 3,766,000 workers contained clauses which required, in one form or another, membership in a labor organization or the payment of an "agency shop" fee as a condition of employment.

What this means is that in our largest collective-bargaining agreements over 90 percent of the employees were subject

to being compelled to pay some money to a labor organization as a condition of keeping their jobs and livelihood.

Much of this money and the rest of the $1 billion of dues, initiation fees and other funds collected by labor organizations annually are used for supporting political candidates.

It is particularly upsetting to have in a supposedly democratic society a situation where union leaders use compulsorily collected dues to support candidates chosen by the union leaders rather than by each individual member.

I am not opposed to nor am I attempting to frustrate the free political expression of union members or their bargaining representatives. Nor am I opposed to the compulsory collection of fees for valid union functions. I am merely trying to insure that the critical right of financial support for political candidates will rest in the hands of individual union members rather than in union bosses.

Mr. President, I believe that my amendment, which has been very carefully worded, achieves this objective. I also believe that my amendment is sound for what it does not do as well as for what it does.

My amendment protects against the abuse of a certain kind of funds—money collected by a labor organization from individuals covered by an agreement requiring membership in such an organization or the payment of dues, fees, or other moneys as a condition of employment. These funds are not to be used by anyone for candidate support.

Why these funds? Because they are required as a condition of employment. A man must pay these dues and fees or lose his job. I also include within my amendment mandatory assessments required as a condition of maintaining membership. What good is it to say to a man that even though he will not lose his job, he is required to pay a compulsory assessment for political purposes or face a fine or expulsion from the union? My amendment is intended to apply to all funds not paid voluntarily for political purposes.

Mr. CASE. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. CASE. I accept the Senator's interpretation of his amendment, of course; but I do think there is a question as to whether the language of the amendment fits that interpretation. Is it the Senator's intention that the amendment applies to any moneys which are collected from union members where there is a provision for checkoff of dues?

Mr. DOMINICK. I do not see how the Senator gets that impression, because other money is collected by the labor organization.

Mr. CASE. Coming from any person?

Mr. DOMINICK. Coming from any person.

Mr. CASE. In other words, this cover is intended to apply not to the person but to the moneys collected? Is that correct?

Mr. DOMINICK. From any person covered by the agreement.

Mr. CASE. Suppose there were a union having a provision for a checkoff of dues. Suppose the union later on said to all its members, "We want each of you to contribute $10 to us toward this candidate," and that that money was not checked off. Would the Senator's amendment apply or not?

Mr. DOMINICK. Let me say that I think this would be a violation of the law, as it is now written.

Mr. CASE. I did not mean to get into that question, because that is one that the Senator can argue with Senators on the other side about. What I wanted really to determine is the Senator's interpretation of his own language. Does he maintain that a voluntary contribution requested by a union from a member in a shop which has a checkoff of dues would be covered by the amendment?

Mr. DOMINICK. If it is a legitimate, voluntary contribution, I have no objection whatsoever. Just like any other citizen, they are entitled to make a contribution to any candidate they want to.

Mr. CASE. The Senator's interpretation is that his amendment would not cover such a contribution?

Mr. DOMINICK. Only dues, assessments, and so on, taken from them as a condition for maintaining employment.

Mr. CASE. In other words, a voluntary contribution the Senator would not interpret to be covered by his amendment.

Mr. DOMINICK. The Senator is correct.

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

Mr. DOMINICK. I yield to the Senator from Iowa.

Mr. MILLER. Another footnote to the answer, I think, is this: It is my impression that generally speaking a labor union does not do what the Senator from New Jersey suggests in his example. That would be done by a political committee, not by the union itself, such as COPE or DRIVE or some other political committee, this committee, consisting perhaps of officers of the union, but not the same entity as the union, and not putting money in the union bank account, for example.

Mr. CASE. That is my understanding also, but I wanted to be sure that the language, which seems to me to cover any connection, voluntary or not, was not intended to cover such situations, unless it was the dues themselves, or other moneys collected under a checkoff agreement involuntarily contributed by the union member.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. DOMINICK. I yield.

Mr. MILLER. I think we had better be careful on this point, because if I detect properly the thrust of the amendment of the Senator from Colorado, he does not want to have what may appear to be a voluntary contribution become an enforced contribution, such as through a general checkoff, and I think that is what the complaints have been about.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. DOMINICK. I yield myself an additional 15 minutes.

Mr. MILLER. As I say, generally, to my knowledge, a union does not do this. They do not go around to the individual and say, "Now, we want to have a contribution from you." The local committee on political education would do that, and in fact in some cases goes to management and obtains an agreement from management that management will check off a contribution to the committee from each individual union member's check.

That is not done by the labor organization itself. But I feel that if we do not have this clear, it might be claimed that everything is nice and voluntary, but because of the union's tie-in with the management on the agreement, it might turn out to be more compulsory than voluntary in some cases.

Mr. DOMINICK. The Senator is correct. That could happen. What I am trying to do is say that they should not take moneys which are being paid in for the purposes of the union membership, their pensions, their rights, their strike fund, their lobbying activities, and so on, and use them in a political sense, unless they voluntarily say they want to so use them, and I would think it would be up, then, to the union or the organization portion of the labor union to show that the act was voluntary.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. DOMINICK. I yield.

Mr. GRAVEL. I do not read that language that way. I do not arrive at the same interpretation the Senator does. I think DRIVE would be wide enough, I think COPE would be wide enough, that I think the whole labor movement would not be able to spend a dime on politics or a candidate, with this language.

As I read the language—

No part of the dues, assessments, or other moneys—

Other moneys means just that, other moneys, anything in the way of money—

collected by a labor organization from any person covered by an agreement—

That means anybody belonging to the Teamsters; for example, you cannot get any money from, either on a volunteer or nonvolunteer basis. That is just what the language says. The Senator had another interpretation, but his language is specific.

I do not know how the Senator can actually make the interpretation that he has provided to this body, when his own language speaks volumes to the contrary. Maybe he construes this language differently, and I would like to hear again how he construes it, but the way I read it, any person covered by an agreement means any member of the union, and "other moneys," tying that together, that is wide open. "Other moneys" means just anything.

Mr. DOMINICK. "From any person covered by an agreement requiring membership in such organization or the payment of dues, fees, or other moneys as a condition of employment."

Mr. GRAVEL. Do not union agreements require membership?

Mr. DOMINICK. Those moneys cannot be used that way, when collected for a political candidate or a political committee. I do not see anything wrong with that.

Mr. MILLER. Mr. President, may I say to the Senator from Alaska, I do not be-

lieve there is any union member I have known in any AFL or CIO affiliate to be a member of COPE.

Mr. GRAVEL. The language is not concerned with COPE. It says "any person covered by an agreement."

Mr. MILLER. It refers to collections by a labor organization, and, as I pointed out, the collection is not normally by the union, but by COPE or some similar committee.

Mr. GRAVEL. The Senator is not addressing himself to the wording of the amendment, which is that any employee of such a company cannot give any money, voluntary or not, to any political cause whether or not the labor union itself is associated therewith.

Mr. MILLER. The Senator has not read the complete sentence: "An agreement requiring membership in such organization," and "such" refers to a labor organization. My point is that COPE is not a labor organization, and there is no requirement of dues being paid by a union member to such organization.

Mr. GRAVEL. How many members of the union movement in this country today belong to organizations that require membership, that have as part of their contract, "If you are going to go to work, you must become a member of the union"? That is what we are talking about.

Mr. MILLER. The Senator's question is not quite responsive, because he should read on and see that the reference is to an organization requiring membership as a condition of employment. I do not know of any labor union members who are employed by COPE as such. That is not what the amendment of the Senator from Colorado is talking about.

Mr. GRAVEL. We are not talking about COPE. We are talking about the individual member of the union. If I am a union member, and I have to be a union member to have a job, then by this language, I cannot, then, donate to any political candidate.

Mr. MILLER. Yes, you can, if you donate through COPE. That was the point of my colloquy, through COPE or DRIVE. It does not relate to involuntary collections required of union members.

Mr. DOMINICK. Mr. President, I am not sure whether the Senator from Alaska is trying to kill the amendment or clarify it. If he is trying to clarify it, I would be happy to put in the word "such" before the word "dues" in line 1 on page 2.

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

Mr. DOMINICK. I yield.

Mr. PASTORE. This amendment, as I understand it, is subject to a point of order, and I shall raise it.

Mr. DOMINICK. The Senator has not raised his point of order yet, and when he does, I shall wish to discuss that, too.

Mr. PASTORE. I know. I just thought before we overexercised ourselves on modification of amendments, I wanted to put the Senator on notice of what I intended to do.

Mr. DOMINICK. I thought the Senator from Rhode Island probably would, but I do not believe it is necessarily a good point of order. But, Mr. President, in order to make the amendment as clear as possible, I modify my amendment by inserting the word "such" before the word "dues" on line 1 of page 2.

The PRESIDING OFFICER. The amendment is so modified.

Mr. DOMINICK. Mr. President, I had been pointing out, when we got into this fruitful discussion—it certainly clarifies the purpose I am seeking—that if a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections. I might point out that I do object to contributions that are not truly voluntary. Coercion and compulsion are foreign to the free exercise of political rights and should be fought in every situation.

For what purposes it is improper to use this money? Under my amendment, this money cannot be made available to or for the benefit of any candidate or political committee. This would circumscribe any activity which supplies assistance to the candidate. For example, paid workers, telephones, posters, radio or TV time, printing, or transportation.

My amendment is not intended to bar labor organizations from pursuing legitimate union objectives. For example, a union may express views on legislation. Recent examples of legislative activity by unions include the Occupational Health and Safety Act, the Emergency Employment Act, the Lockheed guaranty, and the minimum wage legislation. These and many others are legitimate matters of concern of working men and women throughout the country and their representatives should be able to work to achieve their best interests.

A labor organization should be able to expend its funds on behalf of its position in a collective bargaining dispute—for example, an advertisement informing the public of its position in a strike situation. Furthermore, nonpartisan political activity such as voter registration or voter education on campaign issues are clearly activities permitted by my amendment. My amendment would not bar a labor organization from endorsing a particular candidate in its normal union publications. This, I believe, is a legitimate exercise of free speech.

However, a contribution, either direct or indirect, seems to me to go beyond the expression of opinion. It carries with it consequences far beyond the attempt to persuade its members to back a particular candidate by means of the free expression support.

Mr. President, I am trying to achieve a balance between the interests of individual workers and the interests of their labor organizations. What is at stake here is the question of who shall exercise the right of choice in political campaigns—the individual worker or the union bosses.

I do not believe that we can fail to protect the right of the individual American worker even against the unions who are in theory supposed to be their protectors. The law must be zealous in protecting the right of the individuals.

Let me make a personal observation on this point for the Senator from Alaska. During the last election in which I ran, in 1968, I was called by the head of our local AFL–CIO, a very fine man, whom I have known, who was a State senator when I was in the State legislature. I was not in the office when he called. I called him back promptly, and he said:

Why do you call me back when I call? After all, you know I'm not going to support you.

I replied:

I know that, but I'm representing you, too.

He said:

We just took a poll among our union members, and you'll be surprised how much support you have.

Then he went on to give me the results of the poll he had taken among his own members. It developed that 38 to 40 percent of the union members—despite all the activities of the union leaders—were going to vote for me, and they did.

In the meantime, however, they had been collecting money all over the place, and they were spending liberally on behalf of my opponent.

Among other things, some of the union members did not like this, and they came up and said so. They said:

Our dues are being used against you, but we're going to vote for you, anyhow.

It seems to me that this was a waste, and it does not reflect what they want to do.

It seems to me to be a fundamental right to support a candidate with your own efforts and your own money and not have someone else determine how it is going to be done.

So this is the balance I am trying to achieve, to get away from the political campaign and keep the dues within the area of legitimate interest.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

In most democratic situations, a conflict between individual choice and organizational choice can usually be resolved by the individual leaving the group if he fails to secure support for his position. This preserves the institutional integrity and insures the individual's freedom of choice. But when the union member is prevented by law from leaving the organization except at the price of losing his job, the individual's freedom of choice is at least restricted, and to use his dues money for candidates not of his choice seems to me to be a clear violation of his political and individual privileges.

I urge my colleagues to preserve the rights of the individual worker against the institutional privilege of the unions. To do otherwise is to deny true freedom to the men and women of America who make her strong through their daily toil.

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

Mr. DOMINICK. I am happy to yield.

Mr. ALLOTT. Mr. President, I think my colleague has performed a very great service. I am in favor of this elections bill. It is long, long overdue. But when we put a maximum on the amount that a candidate can spend, when we put a maximum on the amounts that people may

give, when we provide for complete reporting not only of the amounts given but also how they are spent, then we are really befuddling the people if we say that we have taken care of the job and we do not include this amendment. It is a farce of the worst kind to have the people in the categories to which Senator DOMINICK has referred—those who see their money taken and who have to be a member of a union as a condition for the retention or holding of their jobs, and also have to pay dues—pay money into unions, with the union fund used as a pass-through to other false fronts for the support of individual candidates.

This is not an antiunion measure. I know that I could never have been elected in Colorado without the support of a great many of the dedicated union members in Colorado, and I think this is probably true with my colleague. But they recognize the fact that their funds are being used by their unions in support of candidates who do not represent their personal choice in that State.

If we do not adopt this amendment, we will be going to the people with a complete farce; because there will not be full reporting of campaign gifts or their resources unless this is done.

I congratulate my colleague. I think this amendment is a necessity, if we are going to be frank and honest with the people. If we are really going to lay out a bill that is a clean elections bill, it should contain something like this.

Mr. DOMINICK. I sincerely thank my colleague. I know what support he has in the State from the union members, and I think they are going to cheer for this amendment if it is adopted. I do not think they are going to object to it in the slightest. The leaders will. They will scream as though their ox had been gored. In fact, it will have been gored a little, because they will not be able to collect the dues and spend them for people with whom the union members do not agree.

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

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I want to join Senator ALLOTT in thanking Senator DOMINICK for what I consider to be a job that should have been taken care of long ago.

I should like to point something out that I feel is a matter of fairness. A corporation cannot give money to a political campaign, and the basic reason why that law was passed was that they could not represent the total views of their stockholders. The stockholders might be opposed to the candidate they would support. So corporations are barred from giving money to political campaigns. As a matter of fairness, I think we should apply the same rules to the unions. In fact, the president of a union has his right to support whoever he would like to; but I do not think he, any more than the president of a corporation, can presume to judge the desires of all his members.

I would certainly add my voice to those who urge the adoption of this amendment, not as an antiunion measure but as a measure of fairness to all working people.

Mr. DOMINICK. I think the difference we have in this particular situation, as I know the Senator from Arizona is aware, is that the labor union itself cannot give to a political candidate or a committee, but they get around it through this COPE situation. A corporation does the same, through DRIVE. They are a political action group too. The difference is that in the union situation, the dues that are collected are being used for that, and then at that point these are conditions of employment, to have to pay those dues, or an assessment, which comes on, then, as involuntary instead of voluntary.

Mr. President, I reserve the remainder of my time. However, the distinguished Senator from New York (Mr. BUCKLEY) wanted some time to offer an amendment to my amendment. Now, what do we want to do, talk on this amendment first before we get to the Senator from New York? I am asking for information.

Mr. PASTORE. We should resolve the question of whether this is germane. I do not care how the Senator does it, if he wants to propose the amendment first. I do not think the amendment is in order, is it, Mr. President, until they have consumed all their time?

The PRESIDING OFFICER (Mr. BROCK). The Senator is correct, until all time has expired.

Mr. PASTORE. Then that amendment is not in order yet. We should resolve the question of germaneness.

Mr. DOMINICK. Mr. President, do I correctly understand that my amendment cannot be amended until the remainder of my time has expired?

Mr. PASTORE. And my time, too.

Mr. DOMINICK. And that of the Senator from Rhode Island as well?

The PRESIDING OFFICER. The Senator's amendment cannot be amended until all time has expired or has been yielded back, except under unanimous consent.

Mr. DOMINICK. The Senator from Colorado could, however, modify his own amendment; is that not correct?

The PRESIDING OFFICER. That is correct. The Senator has a right to modify his amendment, or by unanimous consent.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty-nine minutes.

Mr. DOMINICK. I thank the Chair. Mr. President, I yield 10 minutes to the distinguished Senator from New York (Mr. BUCKLEY).

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. BUCKLEY. Mr. President, I want to thank the distinguished Senator from Colorado (Mr. DOMINICK) for making this time available to me. I should like to talk about the subject matter of the amendment which I shall be proposing to his amendment, as I believe it meets some of the concerns expressed by the distinguished Senator from Alaska (Mr. GRAVEL).

We all recognize that the abuses which have been so clearly described by the Senator from Colorado and the Senator from Michigan are not confined to the labor union situation. There are some situations, for example, where in county governments, obtaining a county job requires that there be a kickback of such and such a percent of any salary to the county political caucus. Also, there are a number of trade associations which impose similar types of conditions to obtaining employment or the maintenance of employment.

Therefore, the amendment which I shall be proposing would substitute for the language of amendment No. 315 dealing explicitly with labor organizations, the following:

> No part of dues, assessments, or other moneys collected by an organization from any person as a condition of employment, or of maintenance of employment, shall be made available to or for the benefit of any candidate or political committee.

I believe that that language would broaden the scope of this particular provision and would meet all the abuses of this order.

Mr. DOMINICK. Mr. President, I think that the Senator from New York has made a good point, relating to any organization where moneys are taken as a condition of employment and then are used for the benefit of any candidate or political committee other than a labor union under a collective-bargaining agreement, which is now a union shop or which requires this as a part of collective bargaining.

Mr. BUCKLEY. There is the well-publicized situation in the State of Indiana in which it is alleged at least that a condition of getting a State job is that x percent of the pay check will be remitted to the political organization. There is no proof of the facts in this particular instance, but certainly we are all aware that it is not an uncommon practice.

Mr. DOMINICK. The Senator's amendment, as I understand it, would then affect subsection (a) and the wording of it, and if we took this as a modification of my amendment and I assume the Senator wants to be a cosponsor of it——

Mr. BUCKLEY. I would feel pleased and privileged.

Mr. DOMINICK. In order to get around the parliamentary situation, Mr. President, I ask unanimous consent that my amendment be modified to include the provisions of amendment No. 367 of the Senator from New York (Mr. BUCKLEY), and that he be added as a cosponsor of my amendment No. 315.

The PRESIDING OFFICER. The amendment is so modified; and, without objection, the Senator from New York (Mr. BUCKLEY) will be added as a cosponsor of Amendment No. 367, as modified.

Mr. DOMINICK. I thank the Senator from New York. I think he has enlarged the scope so that it looks a little less vindictive, even though it accomplishes the same purpose. I think that is great.

Mr. MILLER. Mr. President, will the Senator from Colorado yield me a little time?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, I believe that a further amendment to the pending amendment would be helpful so that everyone understands exactly what is intended and what is not intended. I recognize that it is not too easy to fathom all the ramifications of the language of the bill. The Senator from Colorado has done his utmost to make certain things clear, but, try though we may, I guess it is difficult, sometimes, to reduce to writing what we intend.

I would propose to my friend from Colorado that on page 2, line 3, we add a further statement which should satisfy anyone who has any qualms about what is intended here. I would particularly like to have the Senator from Alaska (Mr. GRAVEL) follow the proposed amendment, so that if it does not satisfy what I think he intends, and what the Senator from Iowa intends, then we may have some further discussion.

What I would propose would be to add this sentence at the end of line 3 on page 2:

Nothing herein shall prohibit the voluntary contribution by individual members of any organization to or for the benefit of any candidate or political committee, as long as such contribution is unrelated to dues, fees, or other monies required as a condition of membership in such organization, or is a condition of employment.

Mr. President, I do not know how we could make that any clearer. I think that it would help the amendment. I would guess it would satisfy some of the concerns some of us have expressed. I believe it accords with the intentions of the Senator from Colorado if I follow his comments correctly.

For example, a contribution to COPE by any individual union member is a voluntary contribution. It is unrelated to his dues, fees, or other moneys required as a condition of membership in a labor organization or required as a condition of employment. We said, no problem. That is all right. Well, let us spell it out in the amendment so that there will not be any question about it.

I would suggest to my good friend from Colorado, that he might want to consider modifying his amendment to reflect this language.

Mr. GRAVEL. Mr. President, if those comments were meant for me to answer, I would say to the distinguished Senator from Iowa that that would not be an adequate modification. For example, I do not think it would be an adequate modification because we are starting out with this piece of legislation which dodges the issue.

This is just sheer antilabor legislation. One can call it anything he want to, but this is an effort, as I view it, to gut the ability of organized labor in this country to participate in the democratic process.

If we really want to make a correction, we could amplify this legislation to gut the ability of corporate enterprises in this country to partake in the democratic process. That could be done. I see no difference in a union member putting up money that will go for political purposes and a corporate executive putting up money that will go for political purposes.

Mr. DOMINICK. Mr. President, whose time is the Senator speaking on?

Mr. PASTORE. He can have my time.

Mr. GRAVEL. As I say, I see no difference between a union member putting up money to go to political purposes and an executive of DuPont who gives a candidate $100,000. It is a lot more difficult to have labor pony up the money because labor has to get it from a lot of people. The corporate side deals with smaller numbers.

If we want to correct the situation and limit how we get funds into the political process, let us do it right. However, when the Senator comes forward with legislation designed to gut the labor aspects of the matter, I think it is totally unfair. I think the fact that he stands up and says that this amendment does not block labor membership from participating in the political process makes it no different. If it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

This amendment is an effort to keep the laboring man from participating in the democratic process.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I am happy to accept the amendment of the Senator from Iowa. I modify my amendment accordingly and ask him if he would be a cosponsor.

The PRESIDING OFFICER. The amendment will be so modified. Will the Senator send the modification to the desk?

Mr. DOMINICK. Mr. President, I am not sure the Senator from Alaska listened to the amendment. We put this in to try to persuade those who have not heard the debate that we are not after labor organizations. What we did was to include any organizations.

Mr. GRIFFIN. Mr. President, will the Senator yield for purposes of clarification?

Mr. DOMINICK. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, if the amendment as modified were adopted, would any person who worked for a labor organization or who worked for a corporation be restricted from giving a voluntary contribution to a candidate or a political committee?

Mr. DOMINICK. Not in the slightest.

Mr. GRIFFIN. Mr. President, would anyone be compelled to be either a stockholder in a corporation or to contribute to a candidate under the Senator's amendment?

Mr. DOMINICK. Not in the slightest.

Mr. GRIFFIN. This preserves the principle, as I view it, that there is a civil right involved in each individual citizen being able to support a candidate and a political party of his choice. And that support would be a voluntary choice. It should not involve coercion from either management or labor.

Mr. DOMINICK. The Senator is totally correct. I know how hard the Senator worked to get that accomplished in his original efforts.

Mr. GRIFFIN. Mr. President, as I said before, I do not understand how anyone who is really for reform in campaign spending can fail to be for the amendment, and I do not see how anyone who is really for civil rights would be against the amendment.

Mr. President, I hope the amendment will be adopted. And I hope that it will not be ruled to be nongermane. This is as germane as anything we could get in the bill.

Mr. PASTORE. Mr. President, we have seen a very, very dramatic exhibition here today of what is the best way not to legislate for the benefit of America. Here we are. This is an amendment that almost no one had heard of until it came up here a short time ago. It is tantamount to an indictment of the labor unions of this country.

Here we are. We are going to begin to punish someone and no evidence has yet been produced. We have not heard of the culprits yet. Here we are. We are tampering with the labor unions of this country on the floor of the Senate in a summary way with an amendment that has already been modified twice and no one knows what is in the modification. Only a handful of the membership of the Senate is on the Senate floor. And they are saying that if we have to have a limitation on campaign spending, we have to pass this amendment.

Mr. President, I have heard this story before. As a matter of fact, this amendment came up last time in another form. This is only a reshaping of it with the dramatic claim that two or three people have called somewhere or that someone made a complaint. We are now going to punish the labor unions of the country.

The amendment is not germane. The bill has nothing to do with labor unions.

If the Senator from Colorado is willing to yield back his time, I am ready to yield back my time and raise the question of germaneness.

Mr. DOMINICK. Mr. President, I would be happy to do that provided I have time to speak on the item of germaneness. I do not want to yield back the remainder of my time and not have any time remaining.

Mr. PASTORE. I did not hear the Senator.

Mr. DOMINICK. I would like to find out why the Senator says it is not germane, so that I may answer the Senator.

Mr. PASTORE. The Senator may answer it now. I raise the question now and the question will be decided by the Chair.

Mr. DOMINICK. Mr. President, do we still have time to talk on the matter of germaneness?

Mr. PASTORE. How much time does the Senator want?

Mr. DOMINICK. I will not take too long. I do not have much time remaining anyhow.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Mr. President, do we urge the question of germaneness within the time on the amendment, or do we argue it after we yield back the time,

and if so, how do I get time in which to argue it?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, is the ruling of the Chair subject to debate once a point of order is raised?

The PRESIDING OFFICER. The ruling of the Chair is not subject to debate. It can be appealed and at that point it can be debated.

Mr. DOMINICK. Mr. President, I want to find out why the Senator says it is not germane and have a chance to answer the Senator's statement.

Mr. PASTORE. I have already stated it is not germane because the bill has nothing to do with unions.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, is there any limitation of time available in which to argue the point of order?

Mr. PASTORE. Just on appeal.

The PRESIDING OFFICER. A point of order having been made, the Chair then rules and at that point an appeal can be taken from the Chair's ruling and time can be yielded from the time on the bill for debate thereof.

Mr. GRIFFIN. No limitation, except as may be imposed by the Chair.

Mr. DOMINICK. Mr. President, may I find out why the Senator thinks the amendment is not germane?

Mr. PASTORE. It is not germane because this bill has nothing to do with unions or with the conditions of unions.

Mr. DOMINICK. Mr. President, we are dealing in the amendment, as modified, with any organization which collects money and uses it for political purposes, including money which was collected as a condition of employment.

The PRESIDING OFFICER. Does the Senator yield himself a specific period of time?

Mr. DOMINICK. That is what I asked for to begin with.

The PRESIDING OFFICER. The Senator is presently within the time on his amendment.

Mr. DOMINICK. If I yield my time back, do we have unlimited time? What do we do then?

The PRESIDING OFFICER. If the Senator yields back his time on a point of order the Senator will be given the opportunity to address himself to the point of order. Up to that time, the time will come out of both sides.

Mr. DOMINICK. How much time do I have remaining on my amendment?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes to start with, and I may go on from there.

In the first place, and I hope the Parliamentarian and the Presiding Officer will listen to this carefully, the amendment I have applies to any organization. So we are dealing with people who are using moneys for political candidates and political campaigns, which is what the bill is all about.

Second, we are amending titles XVIII and XIX of the code, which is what this bill deals with.

Third, to complete the picture, we are saying we have the need for making reforms in political spending. That is the purpose of the bill. If we are going to make those reforms in political spending, it seems to me perfectly proper that we may talk about not only contributions by Government contractors, and I refer to pages 16 and 17 of S. 382, as proposed by the Senator from Rhode Island, but also about other organizations contributing funds in political campaigns.

Fourth, I say that this is an extremely important point. The unanimous-consent agreement, according to the Parliamentarian, was arrived at July 21. My amendment was filed July 21. It had been my thought that if a Senator had an amendment on file when a unanimous-consent agreement was entered into that amendment would be germane.

If it is not considered germane, I want to put the Senate on notice that I will not agree to any more unanimous-consent agreements until we get that problem straightened out because I do not see how we can deal with a bill that is as important as this bill is to everyone in the United States and say that we will not consider this because there is a unanimous-consent agreement and the amendment would not be germane.

Mr. PASTORE. The Senator from Rhode Island is perfectly willing to move to lay the amendment on the table when the Senator's time has expired.

Mr. DOMINICK. That is better than saying that it is not germane. I hope the motion to table is not agreed to. I hope the Senator does not have the votes.

Mr. PASTORE. Mr. President, will the Senator yield further?

Mr. DOMINICK. I yield.

Mr. PASTORE. The Senator is threatening me on whether in the future, at some time in the future on some other bill, which might even involve the Ten Commandments, he will not agree to limited debate.

Mr. DOMINICK. Not until the germaneness question is settled. I do not want to get hung up on a unanimous-consent agreement in connection with something that I consider to be an important amendment simply because we have a unanimous-consent agreement.

We had this argument before. I believe the Senator from New Hampshire had a big discussion on this point last year.

I think the idea of going forward and saying you cannot take up something as important as this because there is unanimous-consent agreement is a nullification of the right of the Senate to decide what is needed by the public.

Mr. GRIFFIN. Mr. President, will the Senator yield to me so that I may speak on the point of order?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I ask that the clerk read the Dominick amendment, as modified.

The PRESIDING OFFICER. The clerk will read the amendment, as modified.

The amendment as modified was read as follows:

On page 17, after line 3, insert paragraph 615, Use of Organization Funds for Political Purposes

(a) No part of the dues, assessments, or other moneys collected by any organization from any person as a condition of employment shall be made available to or for the benefit of any candidate or political committee.

On page 2 and the material following line 8, strike the word "labor".

On page 2, after line 3, add the following:

"Nothing herein shall prohibit the voluntary contribution by an individual member of any organization to or for the benefit of any candidate or political committee as long as such contribution is unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment.

Mr. GRIFFIN. Mr. President, I wanted the amendment, as modified, read so that everyone would have it clearly in mind.

Mr. DOMINICK. Mr. President, will the Senator from Michigan yield to me for 1 minute?

Mr. GRIFFIN. I yield.

Mr. DOMINICK. On page 2, line 8, strike out the word "labor"—it is wrong.

In the amendment I did not put it in so it should not be in there at all.

The word "labor" the clerk referred to is in section 615.

Mr. GRIFFIN. Mr. President, I wish to ask the Senator from Colorado this question. Does the amendment now speak in terms of "organization" or "labor organization?"

Mr. DOMINICK. Organization.

Mr. GRIFFIN. That is the point I want to make clear.

The amendment speaks in terms of any organization. I want to direct the attention of the Chair and the Senate to page 18 of the Pastore substitute, which defines a political committee, line 20:

"(d) 'political committee' means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;"

The Senator's amendment refers to an organization, any organization, that makes expenditures, and it certainly is in line and it is germane insofar as the language on page 18, line 20, where reference to the definition of a political committee is made.

Certainly a labor organization is one kind of an organization which receives contributions and which makes expenditures, and this applies to an organization.

It seems to me it would clearly be germane under the bill.

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

Mr. GRIFFIN. If the Senator from Rhode Island is not going to make the point of order, then we can go on.

Mr. PASTORE. Mr. President, I come back to my original argument. We have changed it several times. Even the Parliamentarian has to study the amendment, it has been changed so many times on the floor, and even as late as 1 minute or so ago the Senator from Colorado, the sponsor of the amendment, said there is something in there that should not be in there.

I admit this is important and it in-

volves a great many people and a dignified organization.

I am perfectly willing at this moment if we can resolve this—I am going to move to lay it on the table and not raise the point of order at this point.

Mr. GRAVEL. Mr. President, I would like to address myself to that point raised by the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. It is on germaneness.

Mr. PASTORE. Mr. President, I went up to the Parliamentarian and I asked him whether or not there is a likelihood of this being considered nongermane. He has to study the amendment because it has been changed three times. We have to wait for the report and decision.

If the Senator is ready to yield back his time, I will yield back my time and move to lay the amendment on the table and let the Senate express its will.

Mr. DOMINICK. I will be happy to do that. On the question of germaneness, I think I was right in the first place. We are dealing with Government contractors in title XVIII, and I do not see how the amendment is not germane.

Mr. PASTORE. I went to the desk and I asked the Parliamentarian whether or not in his opinion it would be subject to the opinion that it is not germane. He replied in the affirmative. I asked for the opinion; I did not create it.

Now, there have been several changes and a doubt has been raised. I am not going to press it, but I will move that it be laid on the table.

Mr. DOMINICK. Mr. President, I want to read the amendment, as amended, if the Senator will hold up his motion to table, so that everybody will know what it is.

It will read:

Use of organization funds for political purposes

(a) No part of the dues, assessments, or other moneys collected by any organization from any person as a condition of employment shall be made available to or for the benefit of any candidate or political committee.

There is the Miller voluntary contribution modification at this point, and then it goes on to subsection (b):

Any person who willfully violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

Mr. GRAVEL. Mr. President, will the Senator yield for a brief question?

Mr. DOMINICK. I am happy to yield.

Mr. GRAVEL. For my knowledge, will the Senator name an organization which would come under the definition of "organization" other than a labor organization or a union that would embrace the compulsory aspects of it? Would the Senator tell me what other organization this amendment would apply to other than a union?

Mr. DOMINICK. I asked the Senator from New York the same question. He said there were very strong rumors that this was a condition of employment in the Indiana State government. So I said, "Let us put that in there."

Mr. GRAVEL. Other than that, what organizations would be affected other than labor organizations?

Mr. DOMINICK. I do not know. There were some rumors—I think the Senator brought it up—that some corporations have such organizations, and they might say, "If you are going to continue in your position as an officer, you ought to contribute to X."

Mr. GRAVEL. Other than rumors, does the Senator's amendment affect any organizations other than labor organizations, and if so, what are the organizations?

Mr. DOMINICK. It will handle anybody who is in this kind of situation.

Mr. GRAVEL. Is there anybody other than a labor organization?

Mr. DOMINICK. I have given the Senator examples that I know of offhand. I do not know whether there are others.

Mr. GRAVEL. The example of Indiana?

Mr. DOMINICK. And in corporations the Senator referred to that might have that problem.

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

Mr. DOMINICK. I yield.

Mr. GRIFFIN. In the State of Michigan it is compulsory that lawyers belong to the bar association.

Mr. DOMINICK. That is true of Pennsylvania.

Mr. GRIFFIN. Would the Senator's amendment prohibit the use of dues by lawyers who are required to belong to bar associations from having their dues used for that purpose?

Mr. DOMINICK. Yes, it would.

Mr. GRIFFIN. That is fine. This is another example.

Mr. GRAVEL. The bar association is the oldest organization in the country.

Mr. PASTORE. Where the contributions can be used for that purpose.

Mr. KENNEDY. Mr. President, if the Senator will yield, does this include the American Medical Association?

Mr. DOMINICK. If it is a condition of practicing medicine.

Mr. KENNEDY. It engages in political action through AMPAC, and it is necessary for physicians to belong to the association in order to practice in certain hospitals and get certain privileges. They have to belong to certain kinds of organizations. The AMA has a political organization called AMPAC.

Mr. DOMINICK. If the contributions are voluntary, which I understand they are, they would not be covered. If they are not, then they would be covered.

Mr. KENNEDY. What about the National Rifle Association?

Mr. DOMINICK. The same with them.

Mr. KENNEDY. Is the Senator going to include the National Rifle Association as well?

Mr. DOMINICK. As far as I know, the National Rifle Association is purely voluntary.

Mr. KENNEDY. What about their political action group? Is the Senator going to look beyond and behind these various groups? Is the Senator going to look beyond AMPAC? Is the Senator going to look into what doctors have to do in order to practice? Is the Senator going to look beyond the NRA and make it applicable to them? If the Senator does, perhaps he will get a supporter here.

Mr. DOMINICK. The Senator was not present on the floor when we discussed this matter earlier. We are trying to get at organizations which collect dues or impose assessments as a condition of employment and then to say that those dues cannot be used for political purposes—in other words, for a candidate or a political committee. Anyone who is able can contribute to anybody he wants to voluntarily. Anybody in one of those unions or organizations can form a political action committee and collect voluntarily from the members. The point is that dues which are collected involuntarily should not be used for political purposes.

Mr. KENNEDY. Mr. President, who has control of the time?

Mr. PASTORE. Mr. President, how much time does the Senator from Massachusetts want?

Mr. KENNEDY. Three minutes.

Mr. PASTORE. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Would the Senator be willing to look behind these organizations, to ascertain whether those contributions are in fact voluntary, and if so, is the Senator going to look beyond those assessments or dues to find out if they are in fact voluntary?

Mr. DOMINICK. In a State like Pennsylvania, where a lawyer has to belong to the bar association in order to practice, it is obvious that those dues are not for voluntary purposes, and they would be prohibited from using those dues for political purposes. The same thing is true of the State of Michigan. As far as the American Medical Association is concerned, if it collected dues as a condition of practice in a particular State, the money collected for that purpose would not be eligible to be used on behalf of a candidate.

Mr. KENNEDY. Not just in terms of practice, but is the Senator aware that in certain places the extension of hospital rights is made available only to those who belong to certain organizations? Otherwise, that doctor does not get that opportunity.

I think the amendment, as the Senator from Rhode Island said, raises many questions. I commend the Senator for bringing the whole issue up. If it could be as expansive and reach the various kinds of issues the Senator was attempting to do, I would support it, but as interpreted here, I just am not sure that it does not isolate certain groups, labor organizations in particular, and therefore I shall vote against it.

I thank the Senator for yielding.

Mr. PASTORE. Mr. President, let us face this question. Labor organizations have been charged with certain things, and the amendment covers them. I say to my colleagues, frankly, that none of us is for abuse. If there are abuses, they should be eliminated, but this question should be studied in depth. It involves many organizations. I am afraid that if we do something summarily, as I said, we may learn to live to regret it. I think it is the wrong thing for the wrong people. I think the whole question ought to be studied.

The Senator referred to dues. Every doctor pays dues to the American Medical Association. That association has a lobby down here. I am not finding fault

with that, but it has a lobby. Does this amendment include that kind of activity? Is the Senator going to close them down? The National Teachers Association has an organization here. Is the Senator going to shut them down? This matter has many ramifications.

Mr. DOMINICK. We are not shutting down any of them. We are talking about involuntary collection of dues.

Mr. PASTORE. But the Senator is tying it in to the right to practice and the right to work and an employment condition. All this subject has to be studied. I think it is time that this amendment be laid on the table. If it should be investigated, I think it should be done properly, by the appropriate committee, but it ought not be done here on the floor this afternoon.

I am ready to yield back my time.

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

Mr. DOMINICK. I yield.

Mr. ALLOTT. Mr. President, I am surprised the bill has gotten this far without having this question considered, because it is a question which has been in the forefront of people's minds for a good many years. This question was raised when I was on the Labor and Public Welfare Committee, and that was 15 or 16 years ago. I do not quite understand how this bill has gotten this far without having this matter considered.

The question, however, with reference to doctors or teachers is not a question of what they do with their money. The question is whether or not the payment of dues is a part of involuntary payment they must make as a condition of their employment.

That is the point here. That is the only point.

Mr. DOMINICK. The Senator is absolutely correct.

Mr. GRAVEL. Mr. President, if the Senator will yield on that point, it is against the law to use union dues for political purposes. However, the amendment does not address itself to that point. It addresses itself to the qualification of the individual as a union member. What it really hinges on is the uniqueness of the development of our labor society through compulsory membership, in order to survive. The Senator could refine that, and include the corporate society to arrive at the same end, so that they could not use their money.

This amendment would compromise the uniqueness of labor organizations. It might grab a few other organizations in the process, but surgically, it is aimed at gutting the labor people's ability to participate in the democratic process.

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

Mr. DOMINICK. Mr. President, I cannot let that stand as a summary of the amendment, because what the amendment is doing is preserving the right of the union member to select his own candidates whom he wants to support. That is why the people came into my office. That is why they got the petitions from all over the State in nothing flat, with signatures from 5,000 people all over the State in 2 weeks.

Mr. GRIFFIN. Mr. President, if the Senator will yield to me, I do not want the record of this debate to leave the impression that this question was not considered, that it comes to this floor as a matter of first impression. I, for one, serve on both the Commerce Committee and the Rules Committee, through which this bill has gone, and this matter was considered in the Commerce Committee and——

Mr. PASTORE. Mr. President, will the Senator yield? What matter was considered?

Mr. GRIFFIN. The subject was considered.

Mr. PASTORE. The subject was labor unions, and now the Senator is changing it. That is what I am talking about.

Mr. GRIFFIN. The Senator from Rhode Island would have been for it if we had left it at labor unions?

Mr. PASTORE. No; but do the Senators not see how they have vacillated on the Senate floor? They started out by attacking labor unions, then they tried to mollify it by saying any organization. Why do they retreat? If you mean labor unions, stand up and say labor unions.

Mr. GRIFFIN. I am not retreating, but I am saying to the Senate that this is not a matter of first impression. This matter was considered by the Commerce Committee, and the amendment was voted down by the committee.

Mr. DOMINICK. And, I am frank to say, one of the real problems we have is with the labor unions.

Mr. PASTORE. That is right.

Mr. MILLER. Mr. President, I would like to ask the clerk to read the modifications of the Dominick amendment which followed my colloquy with the Senator from Colorado.

The PRESIDING OFFICER. Is the Senator requesting his addition, as suggested to the Senator from Colorado?

Mr. MILLER. That is correct.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk proceeded to read the modification.

Mr. MILLER. Mr. President, before the clerk reads it, I would like to ask that the Senator from Alaska give his undivided attention to what is going to be read.

Mr. GRAVEL. I shall be happy to.

The assistant legislative clerk read as follows:

> Nothing herein shall prohibit a voluntary contribution by an individual member of any organization to or for the benefit of any candidate or political committee as long as such contribution is unrelated to dues, fees, or other moneys required as a condition of membership in such organization, or as a condition of employment.

Mr. MILLER. Mr. President, I point out to the Senator from Alaska that while I do not qualify as an expert, I do think I know something about the situation, and I can assure the Senator from Alaska that most of the COPE organizations and DRIVE organizations that I know of would not be inhibited one iota by that language. That language is designed to protect them. How the Senator can say that this amendment, with that modification, would gut the political activities of labor union members, is completely beyond me. I think his interpretation may not have rested upon his knowledge of what has just been read, but I suggested to the Senator from Colorado that that be put into the amendment for that very reason.

Mr. EAGLETON. The time for an overhaul of our campaign financing procedures is long overdue. I am pleased that the Senate is now well on its way to passing such a measure.

Before I turn to Senator DOMINICK'S amendment, I want to acknowledge the hard work of many of my colleagues and bipartisan organizations, such as the Committee for an Effective Congress. Without that hard work and dedication, for the past few years we would not be acting on the proposal this afternoon.

The Dominick amendment to S. 382 can only be understood by relating its prohibitions to the present law on the books—18 U.S.C. § 610 prohibits unions from utilizing all dues moneys, whether they are collected from employees working in a right to work State or under a union security agreement, to make "a contribution or expenditure in connection with any Federal election." Moreover, in two cases involving the Railway Labor Act—*Street*, 367 U.S. 740 and *Allen*, 373 U.S. 113—the Supreme Court has held that as to political matters union members who do not agree with the organization's position have a right to block the use of their dues moneys in a manner inconsistent with their views. Thus, as to elections, unions are limited to using their dues moneys to communicate with their members and for nonpartisan registration drives. These limited permissions are clearly consistent with the public interest and are basic to a meaningful enjoyment by labor union members of the constituted right of association. Indeed the Supreme Court's opinion in *U.S.* v. *CIO*, 335 U.S. 106, indicates that a union's right to engage in such educational nonpartisan activities is constitutionally protected:

> If [18 USC § 610] were construed to prohibit the publication, by corporations and unions in the regular course of conducting their affairs, of periodicals advising their members, stockholders or customers of danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality.

The upshot of the matter is that Congress has already regulated in political activity to fullest extent permitted by the Constitution and that these regulations, and the court decision referred to above fully protect the rights of members who disagree with the political positions of the majority of their fellow members.

The plain lack of merit of the Dominick amendment in both constitutional and policy terms makes it plain that it is not an attempt to perfect the political process, which is the aim of the balance of S. 382, but is simply an attempt to harass the labor movement by whose who wish to weaken it. This amendment is simply a device to overturn the balance Congress struck between opposing view-

points on the union security issue in 1947.

Mr. PASTORE. Mr. President, does the Senator from Colorado yield back his time? If so, I am willing to yield back mine.

Mr. DOMINICK. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time, and I move to lay the amendment on the table.

Mr. GRIFFIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BROCK). The question is on agreeing to the motion to lay on the table the amendment of the Senator from Colorado (Mr. DOMINICK) as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Illinois (Mr. STEVENSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 56, nays 38, as follows:

[No. 193 Leg.]

YEAS—56

Aiken	Gravel	Montoya
Allen	Hart	Moss
Anderson	Hartke	Muskie
Bentsen	Hollings	Nelson
Bible	Hughes	Pastore
Boggs	Humphrey	Pearson
Brooke	Inouye	Pell
Burdick	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Kennedy	Ribicoff
Case	Long	Schweiker
Chiles	Magnuson	Scott
Church	Mansfield	Sparkman
Cook	Mathias	Stevens
Cranston	McClellan	Symington
Eagleton	McGee	Talmadge
Ellender	McGovern	Tunney
Fulbright	McIntyre	Williams
Gambrell	Mondale	

NAYS—38

Allott	Eastland	Miller
Baker	Ervin	Packwood
Beall	Fannin	Prouty
Bellmon	Fong	Roth
Bennett	Goldwater	Saxbe
Brock	Griffin	Smith
Buckley	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Cooper	Hatfield	Taft
Cotton	Hruska	Tower
Curtis	Jordan, N.C.	Weicker
Dole	Jordan, Idaho	Young
Dominick	Metcalf	

NOT VOTING—6

Bayh	Mundt	Stevenson
Harris	Percy	Thurmond

So the motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the vote by which the motion to table was agreed to be reconsidered.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, while all Senators are present in the Chamber, I should like to ask how many more amendments there are to the pending bill.

Frankly, my position is that I should like very much to finish the bill tonight, if possible; but, on the other hand, if it means going until 8 o'clock this evening or later, then we cannot finish this bill and I would as soon that we stopped now.

SEVERAL SENATORS. Louder—louder—we cannot hear.

Mr. PASTORE. I will speak louder. I have been on my feet since 9 a.m. this morning. So I wish to ask the Senators now present, how many more amendments do we have?

Mr. PROUTY. I have one which will take only a few minutes.

Mr. PASTORE. Will the Senator ask for the yeas and nays?

Mr. PROUTY. No.

Mr. BAKER. Mr. President, I have one amendment, and I shall not ask for the yeas and nays.

Mr. CURTIS. Mr. President, I have an amendment. If acceptable, I would like to have the yeas and nays on the amendment, in two parts. I am going to ask that it be considered as one amendment.

Mr. PACKWOOD. I have eight amendments.

Mr. PASTORE. Is the Senator going to ask for the yeas and nays?

Mr. PACKWOOD. Yes.

Mr. PASTORE. On all eight?

Mr. PACKWOOD. That is right.

Mr. DOMINICK. Mr. President, I have one amendment but will not ask for the yeas and nays.

Mr. HART. Mr. President, I have one amendment. I shall be very brief.

Mr. HUMPHREY. Mr. President, I have an amendment—

Mr. PASTORE. Is the Senator going to ask for the yeas and nays?

Mr. HUMPHREY. I am not going to ask for the yeas and nays. I am going to refer to it later on. I want to discuss it with the Senator first.

Mr. ALLEN. Mr. President, I have one amendment, with no yeas and nays.

Mr. PASTORE. There you are, Mister Majority Leader. There are seven or eight amendments with the yeas and nays to be asked for and two others. Multiply that by 20 minutes and we will be here until midnight.

Mr. MANSFIELD. I believe the Senator from Oregon indicated that he would not ask for the yeas and nays on his eight amendments?

Mr. PACKWOOD. Mr. President, I would like to defer to the distinguished majority leader but I have waited for 2 days now to offer these amendments. I would like to have a yea and nay vote on them; yes. I thought I had a yea and nay on four earlier today, but I do not.

Mr. MANSFIELD. On that basis then, I think we should mark an end to consideration of the pending bill at this time. It has been a long day since 9 a.m. this morning for the manager of the bill and other interested Senators.

So, I ask unanimous consent, first—I believe we will come in around 8 o'clock tomorrow morning, because we have a number of speakers——

Mr. BYRD of West Virginia. 8:45 a.m.

Mr. MANSFIELD. 8:45 a.m., yes. If any other Senator wishes to speak, we will come in earlier—gladly.

Then we will, first thing after we get through with the speeches, the special orders, we will take up the military construction appropriation bill under a time limitation.

VOTER REGISTRATION

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate my amendment No. 266 to S. 382 and ask that it be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Federal Elections Campaign Act of 1971 which is now before the Senate provides Congress with a vehicle to alter and reform a process vital to American democracy.

The American political campaign has become such a complex and intricate operation that I fear we often lose sight of its main goal of electing fairly those persons the people believe worthy of the public trust.

I believe that fundamental reform of the campaign process is not only necessary but desperately needed now if the political arena is not to become the property of the wealthy. Equal opportunity for all—which so many of us seek to make a daily reality—must be extended to the political process.

If participation in politics becomes a luxury only to be afforded by a few, then millions of Americans will lose not only their right to enter the political world, but their right to judge the capability of a candidate on standards other than his ability to accumulate money in order to purchase television time and advertising space.

Fair campaigns at the State or Federal level will only become a reality if the Congress moves now to institute the provisions of the Federal Elections Campaign Act. At stake is the quality of American political leadership as it struggles to solve the problems which endanger American democracy.

But, Mr. President, I do not believe revision and reform of campaign practices can alone meet our urgent need for a more responsive and democratic system of government. The campaign legislation which is now before the Senate does not touch upon an integral part of the political process in need of reform: The system by which Americans register to vote.

Mr. President, campaign reforms are of little value if we fail to remove barriers to voting and to voter registration. Reform of the campaign process without reform of the entire electoral process is only a halfway house toward complete reform of our political processes.

In every State registration is a prerequisite for voting. It is a necessary requirement to prevent election abuses.

But, I believe that Congress should do all it can to remove the obstacles to voter registration. Let us take a look at some statistics:

In 1968 approximately 37 million Americans did not register to vote. At the present time there are 11.5 million Americans who are between 18 and 21 years of age and who can now register. This means that there is a pool of 48.5 million persons who could now register to vote in State and Federal elections.

The Democratic National Committee's "Freedom To Vote Task Force" reported that a Gallup poll study of registration found that residency and other registration qualifications—not disinterest on part of the voter—provide the greatest barrier to voting.

Past election data indicate that once people overcome the burden of registering to vote they go to the polls in great numbers. Figures from the election of 1968 show that there were 120 million Americans of voting age. Of that figure, only 60.9 percent voted. However 89.4 percent of those who took the trouble to register voted.

Mr. President, I ask unanimous consent that a State-by-State compilation of voter registration and turnout in 1968 prepared by the "Freedom To Vote Task Force" be printed in the RECORD.

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

TABLE 1.—REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,198	1,044,177	75.2	51.3
Alaska[2]	151,000	NA	83,035	NA	55.0
Arizona	1,003,000	614,718	486,936	79.2	48.5
Arkansas	1,188,000	845,759	609,590	72.1	51.3
California	12,052,000	8,587,673	7,251,587	84.4	60.2
Colorado	1,211,000	966,700	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	1,256,232	93.6	69.3
Delaware	306,000	248,915	214,367	86.1	70.1
District of Columbia	515,000	201,937	170,578	84.5	33.1
Florida	3,924,000	2,765,316	2,187,805	79.1	55.8
Georgia	2,824,000	1,850,000	1,250,100	67.6	44.1
Hawaii	421,000	274,104	236,218	86.2	56.1
Idaho	708,000	366,532	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	4,619,749	81.4	70.2
Indiana	2,947,000	2,653,219	2,123,597	80.0	72.1
Iowa[2]	1,653,000	NA	1,167,931	NA	70.7
Kansas[2]	1,339,000	NA	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	1,097,450	75.7	54.0
Maine	596,000	509,888	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	2,331,752	90.0	69.0
Michigan	4,853,000	3,950,000	3,306,250	83.7	68.1
Minnesota[2]	2,097,000	NA	1,588,510	NA	75.8
Mississippi[2]	1,308,000	775,000	654,509	84.5	50.0
Missouri[3]	2,770,000	NA	1,809,502	NA	65.3
Montana	412,000	331,078	274,404	82.9	66.6
Nebraska	891,000	637,719	536,851	84.2	60.3
Nevada	285,000	188,811	154,218	81.7	54.1
New Hampshire	418,000	387,660	297,190	78.5	71.1
New Jersey	4,402,000	3,319,752	2,875,395	86.6	65.3
New Mexico	562,000	445,304	327,281	73.5	58.2
New York	11,773,000	8,113,216	6,691,690	85.5	59.1
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota[2]	370,000	NA	247,882	NA	67.0
Ohio[4]	6,235,000	3,907,000	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	408,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah[3]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin[3]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,739	127,205	89.1	63.0
Totals	120,353,000	82,029,426	73,359,762	89.4	60.9

[1] These figures are from State and U.S. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.
[2] States which have no Statewide registration, or where registration is not required.
[3] Approximate figures, furnished by Secretary of State.
[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.
NA—Not available.

Mr. HUMPHREY. Mr. President, voter turnout in the United States compares poorly with other democratic countries. In 1968, 75 percent of Canadian citizens voted. For the same year, voter turnout in Sweden was 89 percent. The French registered an 80 percent voter participation level in 1968 while nearly 90 percent of the Danes voted that year.

In analyzing a Census Bureau report of the 1968 election, the "Freedom to Vote Task Force" said that—

> The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers and those of lower incomes.

While 84 percent of those having family incomes of $15,000 and over voted in 1968, only 53.5 percent of those with family incomes under $3,000 voted.

I submit that failure to register often results from lack of understanding of requirements and complexities in the registration process.

At the moment when we are considering a significant campaign reform bill and when the Census Bureau tells us that there could be as many as 25 million voters under age 25 who will be entering a polling booth for the first time in 1972, we must also remove the barriers to voting in Federal elections. State registration procedures often become such a burden that the potential voter does not have time to comply with them or does not learn of them soon enough to register.

In Texas, annual voter registration is required, although this regulation is now being appealed in Federal court.

In Rhode Island, registration closes a full 60 days before the election.

Ten States including the most populous, California, require voting in every general election to retain registration.

I do not believe that Congress intended that State registration procedures discourage Americans from voting.

Mr. President, I am today calling up a Federal voter registration amendment to S. 382, the Federal Elections Campaign Act of 1971.

My amendment would enable all citizens of the United States to register to vote in Federal elections at the same time they file their income tax returns.

The amendment directs the Secretary of the Treasury to mail all taxpayers two voter registration forms with the 1040 form which they could complete to obtain a Federal certificate of registration. The taxpayer and his dependents over 18 would be able to use this convenient registration procedure. It would be optional, however. There is no compulsion involved. And the existing State registration procedures also would remain available.

Mr. President, in tax year 1969, for which forms were filed in 1970, the Internal Revenue Service received 75,856,703 returns accounting for 196,750,468 individuals or exemptions. The IRS reaches 95 percent of the American people.

I believe that it is an excellent organization to carry out a registration function. The IRS has a reputation for the responsibility, efficiency, and confidentiality, all of which are necessary if this national voter registration system is to work.

The association of the Internal Revenue Service with the registration process is in the best tradition of taxation with representation.

I realize that many people do not file an income tax form but are eligible to vote. For these people, State registration channels remain open, and the amendment specifies that registration forms also may be obtained at local post offices to be mailed to the appropriate regional IRS office. The amendment also directs the Treasury Secretary to advertise in Spanish, as well as English, to all nontaxpayers advising them of their right to register.

I would hope that these provisions for nontaxpayers would begin to bring into the political process those who have been excluded because of the inconvenience of the registration procedures.

Registration has often proven difficult for the poor, the elderly, and the handicapped, because of lack of transportation to get to the designated place, infirmities,

or other reasons. With my amendment, all that is needed is a postage stamp.

I would like to emphasize that the Federal voter registration amendment does not eliminate or change State registration laws. Persons will be certified for Federal registration through the IRS only if they are also eligible to register through a State's own registration system. An individual's registration will be effective as long as registration is in effect under the applicable State law. Constitutional residency requirements also remain in effect.

My amendment does not interfere with the rights of the various States to make their own election and registration laws. It is designed to remove hindrances to registration.

No national registry of persons will be compiled or maintained in order to protect individuals and preserve their privacy. There are adequate penalties in the amendment to safeguard this program from fraud or any attempt to deny a person his right to register.

Mr. President, the responsibility lies with the Congress to enact legislation which will offer the greatest number of people the opportunity to vote. We cannot pass laws which will interest the disinterested. But the Congress can and should enact legislation which can enlarge the electorate. This is in the intent of my amendment.

There can be no more serious defect in our democratic process than the one which denies a man his vote.

Mr. President, in order for my colleagues to understand how amendment No. 266 typically could work in practice, I would like to show how an average voter would go about registering to vote under the procedures outlined in the amendment.

John Jones is a 20-year-old auto mechanic in Duluth, Minn. He is married. Neither he nor his wife who is also 20 years old and who is not employed have ever registered to vote in Minnesota or any other State.

When Mr. Jones receives his Federal income tax forms from the Internal Revenue Service, he will also receive two identical, simple enclosures which he and his wife have the option to complete in order to register to vote in any general, special or primary election for President, Vice President, presidential elector, Senator, or Representative. Mr. and Mrs. Jones would then supply the IRS with the basic data on age, residence, and other details required by election laws.

Mr. and Mrs. Jones will have to sign a statement at the bottom of the form attesting to the truth and accuracy of the information they supply. There are penalties for fraud and misrepresentation.

Mr. and Mrs. Jones are not familiar with the voter registration laws of the State of Minnesota. When they mail the form to the IRS they are not sure whether or not they meet the State's registration requirements.

Mr. Jones mails the registration applications with his tax return to the IRS.

Upon receiving the Joneses' applications, the IRS begins to process them in order to determine if they indeed qualify for a Federal registration certificate according to the registration laws of the State of Minnesota.

The computerized examination of the applications submitted by Mr. Jones and his wife reveals that they meet all of the registration and voting qualifications of the State. The IRS issues them separate Federal certificates of registration.

The Internal Revenue Service will also provide the Minnesota commissioner of registration with a record of the Joneses' Federal registration and any other information which the commissioner may need to maintain an accurate Federal voter registration list.

On election day, Mr. and Mrs. Jones will present themselves at their local polling place. Upon presentation of their Federal registration certificate, they may vote for candidates seeking Federal office.

Under the procedures of amendment No. 266, a State has the option of allowing persons holding a Federal registration certificate to also vote for candidates seeking State offices, if the State makes provisions for this by law.

If Mr. and Mrs. Jones had not been taxpayers and thus had not received an application for a registration certificate, they could have obtained a similar form at their local post office, to be mailed to the IRS for processing.

My proposal has but one objective; namely, to facilitate and increase registration—to remove unnecessary obstacles and to maximize voter participation.

It is a great disappointment to me that the Senate will not be able to consider my voter registration amendment at this time. I trust that when the amendment is reintroduced at a later date we will have the opportunity to discuss it thoroughly.

I believe that this amendment shows great promise in solving one of the most perplexing obstacles to electoral participation—registration.

Mr. President, political scientists have long argued that the mechanics of registering to vote have deterred some citizens from exercising their franchise. In our Nation, between about 60 to 70 percent of the electorate vote in presidential elections. For local elections and for primaries, the figure is even less.

People get sick, they work late hours, or they just forget to go to their county courthouse and register to vote.

The registration problem will likely become even more serious, now that the 26th amendment, giving 18-year-olds the right to vote, has been adopted. And, with this influx of new voters, a move I emphatically endorse and have fought for, the reason to uncomplicate the registration mechanism is even more compelling.

The Humphrey amendment would eliminate the necessity for a person to travel beyond his own home in order to register. Simply put, my amendment would have the Internal Revenue Service issue certifications of registration to qualified voters of the States. These certificates would serve as proof of registration, making the person able to vote in Federal and State elections.

And, all of the paperwork would happen the same time that the family income tax returns were prepared.

I believe that this method is concise and easy to understand. I have also been assured by the Internal Revenue Service that their agency, through their computers, could handle any extra workload placed on them by this registration procedure.

Mr. President, when this amendment comes up again, I ask all Senators to join forces and make the act of voting as free from complications as possible.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) entitled "An Act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 485. An act 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. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile.

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile.

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile.

S. 755. An act to authorize the disposal of shellac from the national stockpile.

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile.

S. 757. An act to authorize the disposal of iridium from the national stockpile.

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile.

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile.

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile.

S. 761. An act to authorize the disposal of diamond tools from the national stockpile.

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile.

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile.

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile.

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile.

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile.

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile.

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile.

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile.

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile.

S. 774. An act to authorize the disposal of vanadium from the national stockpile.

S. 775. An act to authorize the disposal of magnesium from the national stockpile.

S. 776. An act to authorize the disposal of abaca from the national stockpile.

S. 777. An act to authorize the disposal of sisal from the national stockpile.

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile.

H.R. 7586. An act to amend the Act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for two additional years.

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

H.R. 9272. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

SCHOOL BUSING

Mr. JAVITS. Mr. President, I yield myself 1 minute.

Mr. President, the President of the United States sent a statement, substantially addressed to the other body, regarding school busing yesterday, which has received considerable public attention. I have issued a statement on that, and I wish to read it into the RECORD and make comments thereon.

President Nixon's statement yesterday on busing to achieve school desegregation presents a clear issue for the Nation, and I wish to declare my stand on the issue: Shall the use of Federal funds for busing by school districts be prohibited to those which are desirous of using them for such purpose; and should the proposed prohibition cover districts required to bus by court order, as well as districts which are voluntarily seeking to desegregate their schools?

Most regrettable in the White House statement is the apparent lack of recognition of the great educational, social, and moral problems with which busing plans—such as that proposed by the Department of Health, Education, and Welfare for Austin, Tex., which, incidentally, it rejected—have sought to deal; and the lack of recognition of the legitimate aspirations—which are directly affected—of black and other minority group parents to achieve quality education for their children.

My views are as follows: Busing is not the exclusive means for equalizing educational opportunities, and indeed must be supplemented by quality education within the schools involved if it is to be a useful component of integrated education. Even prior to the desegregation movement, I wish to point out for this particular reason, more than 40 percent of American children rode schoolbuses, including the tens of thousands in my own State, where they rode to central school districts as contrasted to the little red schoolhouse.

But busing is often an essential element in attaining both desegregation and quality education; it is a vitally needed option and a proper component of an Emergency School Aid Act—which is an act we have already passed in this body and which is now pending in the other body—worthy of its name. Hence, I believe the prohibition which the President has proposed placing upon busing as an element of Federal funds for emergency school aid unwise. I continue to hope very much that the administration will finally support at least the use of Federal aid under the Emergency School Aid Act for busing if desired by the local school district or required by court order. Personally, I would allow complete freedom with regard to the use of Federal funds for busing, and I regret very much that the President has seen fit to take the position he did in this respect.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, was read twice by its title and referred to the Committee on the District of Columbia.

EDUCATION AMENDMENTS OF 1971

Mr. MANSFIELD. Mr. President, at this time, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 342, S. 659, the Education Amendments of 1971.

The PRESIDING OFFICER. Is there objection?

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, reserving the right to object, so that I might ask a question—I shall not object, of course—I had to step out for a moment. Is there time in there of 15 minutes for myself, the Senator from North Carolina (Mr. ERVIN), and the Senator from Nebraska (Mr. HRUSKA), to discuss a bill? Is that included in it?

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I know about this. The distinguished Senator from Arkansas has just discussed it with me.

I ask unanimous consent, in response to his request, that tomorrow morning, immediately following the remarks of the able Senator from Maryland (Mr. MATHIAS), the senior Senator from Arkansas (Mr. McCLELLAN) be recognized for not to exceed 15 minutes.

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

Mr. McCLELLAN. Mr. President, what time do we come in?

Mr. BYRD of West Virginia. We come in at 8:45.

Mr. McCLELLAN. I will be here at 9 o'clock.

EDUCATION AMENDMENTS OF 1971

Mr. GRIFFIN. Mr. President, reserving the right to object, is the bill that is being laid before the Senate the higher education bill?

Mr. MANSFIELD. It is.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

Calendar No. 342 (S. 659) a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes, which had been reported from the Committee on Labor and Public Welfare, with an amendment.

Mr. MANSFIELD. Mr. President, as a brief word of explanation, the joint leadership is laying the bill before the Senate because it stated to the Senate over the past several days that it would. Some Senators think they have not had time enough to study the voluminous report. And they have a point. But the joint leadership feels honor-bound to proceed on this basis. I think this explanation is due from the joint leadership for the action being taken.

Mr. GRIFFIN. Mr. President, reserving the right to object, I wonder if the distinguished majority leader could give us any guidance as to whether there will be votes tonight and how long we would take.

Mr. MANSFIELD. I would have to see the manager of the bill, the Senator from Rhode Island (Mr. PELL). The ranking minority member of the committee is the senior Senator from New York (Mr. JAVITS). May I ask the Senator from New York if he anticipates that there will be votes this evening?

Mr. JAVITS. Mr. President, I should not think so in view of so many Senators being absent. We have time for debate. There will be some general debate. There would not be any vote unless someone were to press for a vote on an amendment, and I doubt that that would happen.

The majority leader has a lot to say about that, however. He could keep us here until we get through with our debate time.

Mr. MANSFIELD. No one wants to get the calendar clear more than I do. However, it has been a very vigorous day. I agree with what the Senator from New

York has said. There will be no votes on the pending legislation.

Mr. SYMINGTON. Mr. President, reserving the right to object, and I shall not object, may I ask the majority leader for the benefit of those who are interested in the military construction bill what time that bill will be taken up?

Mr. MANSFIELD. It will be taken up at approximately 9:30.

ORDER FOR RECESS TO 8:30 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in recess until the hour of 8:30 tomorrow morning.

Mr. HUMPHREY. Mr. President, will the Senator yield a moment?

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. Mr. President, is it possible tonight to bring up an amendment which may not be controversial and which may be acceptable to the manager of the bill and not delay it until tomorrow?

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. I say to the Senator from Minnesota that I would think so, if there were no question about the amendent.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. Would the Senate suspend for a minute? Will the Senators return to their seats?

Is there objection to the unanimous consent request?

Mr. MAGNUSON. Mr. President, reserving the right to object——

Mr. MANSFIELD. I thought the Chair had already given its consent and that the questions came up afterward.

The PRESIDING OFFICER. The Chair has not had an opportunity to bring up the question on the unanimous consent request of the majority leader.

Mr. MANSFIELD. All right.

Mr. JAVITS. Mr. President, what is the unanimous consent request?

Mr. MAGNUSON. Mr. President, I have asked the majority leader a question because we have a bill listed here that is of great interest to many Senators.

Mr. MANSFIELD. Mr. President, I know the bill the Senator refers to. It is coming up and there is a time limitation on it.

Mr. MAGNUSON. Mr. President, may I ask a further question?

Mr. MANSFIELD. Mr. President, I want to notify the Senate that it is anticipated that the bill having to do with disaster relief will be brought up some time later tomorrow on a time limitation.

Mr. COOPER. Mr. President, I thank the majority leader.

Mr. MAGNUSON. Mr. President, obviously tomorrow is Thursday. We have until Friday. I note on the whip's notice that there are other matters listed such as the continuing appropriations resolution, the Labor-HEW appropriation conference report, the $1 billion employment assistance appropriation bill, the OEO, the Disaster Relief Act, and the higher education bill on which we have a 6-hour limitation on the bill, 3 hours on the Dominick amendment, 2 hours on two Metcalf amendments, and 1 hour on other amendments.

If we are going to take up the higher education bill, we obviously are not going to do anything else tomorrow.

Mr. MANSFIELD. Yes, we are. The Senator need have no worry about that, because some of this time will not be used up. The 2 hours on the 2-hour amendments offered by my distinguished colleague, Senator METCALF, will not be used up.

Personally, I would like to stay in late tonight. However, the Senate is tired. We will stay in late tomorrow and late on Friday. And we will clear up as much as we can. However, it takes cooperation.

Mr. MAGNUSON. I will cooperate. If I were handling the higher education bill, I would suggest that we pass it over until after the recess, because it will not get anywhere.

Mr. MANSFIELD. Well, if it is not going to get anywhere, it will be passed.

Mr. MAGNUSON. The Senate will pass it. I will vote for it. But it will not be finished during that time. These bills constitute important legislation.

Mr. MANSFIELD. That applies to all of them. Let us do the best we can and take our chances and act accordingly.

Mr. MAGNUSON. Mr. President, if we bring up the disaster relief bill, I hope that it will be passed.

Mr. MANSFIELD. So do I. There is a reasonable time limitation on it. It will be brought up tomorrow.

Mr. MAGNUSON. I want to be sure these things will be taken up if we have to stay in session until 3 o'clock in the morning.

Mr. MANSFIELD. Mr. President, if the Senate would like to do so, and it meets with the approval of the Senator from Kentucky, we could take it up tonight. However, it took a long time to get agreement. We will agree on a smaller time limitation tomorrow.

Mr. MAGNUSON. I thank the Senator.

EDUCATION AMENDMENTS OF 1971

The PRESIDING OFFICER. The Senator from Montana made a unanimous consent request with regard to the recess tonight. Is there objection to that unanimous consent request?

Mr. ALLOTT. Mr. President, reserving the right to object, could we have that consent request repeated for our information?

Mr. BYRD of West Virginia. Mr. President, may we have order so that we can hear the Senator?

Mr. ALLOTT. Mr. President, reserving the right to object, and I will not object, could we have the consent request repeated for those of us who were conferring outside of the Chamber so that we will know what it was?

ORDER FOR RECESS

The PRESIDING OFFICER. The unanimous consent request of the Senator from Montana was that the Senate recess tonight until 8:30 tomorrow morning, to be followed by the Senator from Maryland (Mr. MATHIAS) for 15 minutes, and the Senator from Arkansas (Mr. MCCLELLAN) for 15 minutes.

Is there objection? The Chair hears none, and it is so ordered

Mr. ELLENDER. Mr. President, there was to be a meeting of the Appropriations Committee before 5:30 tonight. However, I have to announce that I have been informed that the House will not enact the bill until late tonight. We will have a meeting of the Appropriations Committee tomorrow downstairs at 10 o'clock.

THE EDUCATION AMENDMENTS OF 1971

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana that the Senate proceed to the consideration of H.R. 6598. The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with an amendment.

Mr. PELL. Mr. President, I am very happy to bring before the Senate S. 659, the Education Amendments of 1971. As chairman of the Subcommittee on Education, I do this with a certain amount of pride, for this major omnibus education bill is cosponsored by one-quarter of the Senate, including the complete membership of the Committee on Labor and Public Welfare.

At this point, I ask unanimous consent that the name of the Senator from Oregon (Mr. HATFIELD) be added to the bill as an additional cosponsor.

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

Mr. PELL. This bill is the fruit of 26 days of hearings during both the 91st and 92d Congresses. It is a distillation of measures introduced by Senators from the majority and minority, and sent up by the administration. It contains features introduced by many. In truth, this bill has no one author.

It should be understood that, although many call S. 659 the higher education bill, it is not just that, but is an omnibus measure whose five titles cover a wide gamut of education concerns. I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

TITLE I— HIGHER EDUCATION

This title amends, revises, and extends the Higher Education Act of 1965. Portions of the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966 are incorporated into the Higher Education Act of 1965 with the result that, if the Committee amendment is enacted, the Higher Education Act of 1965 would constitute a single Federal law which includes all continuing higher education financial assistance programs. In general, unless otherwise speci-

fied, title I extends the authorizations for higher education programs for four years, through fiscal year 1975, at the same level as those for fiscal year 1971.

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

This part amends title I of the Higher Education Act of 1965. Such title I authorizes grants to States for assistance to institutions of higher education to enable them to help solve community problems through community service programs and continuing education programs. It is proposed that—

(1) title I be amended to authorize a reservation of appropriations for special projects designed to meet national and regional problems;

(2) title I be amended to authorize a special appropriation for projects designed to meet urban problems in Standard Metropolitan Statistical Areas;

(3) the Commissioner be required to conduct a special evaluation of title I and submit reports to the Congress on such evaluations.

PART B—COLLEGE LIBRARY PROGRAMS

This part amends title II of the Higher Education Act of 1965. Such title II authorizes—

(1) grants to institutions of higher education for the acquisition of college library resources;

(2) grants and contracts for research and training in librarianship; and

(3) funds for the Library of Congress for cataloguing of library materials and distribution of cataloguing information.

The amendments made by part B—

(1) reorganize the authorizations of appropriations by providing for a single authorization for parts A and B of title II and a percentage division of the appropriation for specific purposes;

(2) authorize the Commissioner to waive maintenance of effort requirements for grants for the acquisition of library resources;

(3) increase the maximum amounts for supplemental grants; and

(4) require an annual evaluation of the program operation by the Library of Congress.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

This part (1) amends title III of the Higher Education Act of 1965, and (2) contains a special authorization of appropriations for emergency interim assistance to institutions of higher education which are in serious financial distress, and (3) requires a study of financing higher education, including uniform cost accounting standards.

Such title III of the Higher Education Act of 1965 authorizes grants to developing institutions of higher education to enable them to strengthen their academic and administrative capacities. Part C revises such title III to improve the program of strengthening developing institutions and increase emphasis on institutions which serve a significant proportion of students who come from disadvantaged backgrounds.

PART D—STUDENT ASSISTANCE

This part amends present law as it relates to financial assistance to students in institutions of higher education. The amendments made by this part—

(1) revise part A of title IV of the Higher Education Act of 1965 to authorize—

(A) a Basic Educational Opportunity Grant of $1,400 for any student minus the amount his or her family can reasonably be expected to contribute for his or her postsecondary education;

(B) a Supplemental Educational Opportunity grant (a continuation of the present educational opportunity grant program) for students who are in exceptional financial need and who would be unable to receive the benefits of a post-secondary education without such a grant, which grants are (i) to supplement the basic grants, and (ii) to aid students who are not eligible for basic grants but who are in need of financial assistance;

(C) matching grants to States to encourage the development and expansion of State scholarship programs;

(D) special services to encourage disadvantaged students to complete secondary school and to enter and continue programs of postsecondary education;

(E) cost-of-instruction allowance payments to institutions of higher education at which basic grant recipients are in attendance;

(2) modify the insured student loan program—

(1) by permitting an increase in the maximum amount of student loans in exceptional cases, and

(2) by authorizing the Commissioner to audit eligible institutions, to set reasonable standards of financial responsibility for such institutions, and suspend or terminate their eligibility;

(3) create a Student Loan Marketing Association for warehousing student loans and in order to create a secondary market for such loans;

(4) modify the determination of need under the College Work-Study Program by requiring that the actual cost of attendance at the institution be taken ino consideration;

(5) transfer the provisions for direct student loans under title II of the National Defense Education Act of 1958 to title IV of the Higher Education Act of 1965, with minor modifications; and

(6) require an affidavit by students stating student assistance funds received by the student will be used for education related purposes.

Part D also requires the Secretary of Health, Education and Welfare to conduct a study of financing postsecondary education.

PART E—EDUCATION PROFESSIONS DEVELOPMENT ACT

This part amends title V of the Higher Education Act of 1965, the Education Professions Development Act. The Education Professions Development Act authorizes the Teacher Corps and a variety of programs designed to improve the quality of teaching in elementary and secondary schools, vocational education programs, and in institutions of higher education. The amendments made by part E—

(1) combine the seven authorizations under the Education Professions Development Act into a single authorization with a percentage division of the appropriations among the programs authorized by the Act.

(2) clarify the status of the Teacher Corps; and

(3) together with minor and technical amendments, expand the scope of the training programs authorized by the Education Professions Development Act.

PART F—INSTRUCTIONAL EQUIPMENT

This part extends title VI of the Higher Education Act of 1965. Such title VI authorizes financial assistance to institutions of higher education for the improvement of under graduate instruction. Funds may be used for the acquisition of instructional equipment and closed circuit television equipment.

PART G—ACADEMIC FACILITIES

This part transfers the provisions of the Higher Education Facilities Act of 1963 to title VII of the Higher Education Act of 1965, with modifications and a new authorization for mortgage insurance on facilities.

PART H—NETWORKS FOR KNOWLEDGE

This part extends title VIII of the Higher Education Act of 1965, with technical and clarifying amendments. Such title VIII encourages cooperative arrangements among institutions of higher education for the joint use of facilities and resources to form networks for knowledge. The amendments make clear that law schools are to be included.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

This part creates two new titles IX and X, in lieu of the present titles IX and X of the Higher Education Act of 1965. The new title IX—

(1) in part A, combines a number of present graduate programs into a single program of assistance to strengthen graduate schools;

(2) in part B, combines various fellowship programs into a broad program of Federal fellowships.

The new title X provides for State wide plans for postsecondary educational opportunities through community colleges and authorizes grants for—

(1) the establishment of New Community Colleges;

(2) the expansion of present community colleges;

(3) the lease of facilities.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

This part extends and makes minor changes in the program to encourage law schools to provide clinical experience in the law.

TITLE II—VOCATIONAL EDUCATION

This title extends for one year those authorizations for appropriations for programs under the Vocational Education Act of 1963 which expire June 30, 1972. The Vocational Education Act of 1963 is also amended—

(1) to clarify the definition of vocational education, with respect to industrial arts, and to include volunteer firemen; and

(2) to create, within the Office of Education, a Bureau of Occupational, Career, and Adult Education.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

This title establishes an Education Division within the Department of Health, Education and Welfare which is headed by the Commissioner of Education. The Education Division will include the present office of Education and the newly created National Foundation for Postsecondary Education and the newly created National Institute of Education.

TITLE IV—INDIAN EDUCATION

This title amends Public Law 874, Eighty-first Congress and the Elementary and Secondary Education Act of 1965 with respect to Indian children. The title also amends the Adult Education Act to authorize special projects for Indians and makes miscellaneous amendments. Part D of title IV establishes, within the Office of Education, a Bureau of Indian Education to administer the newly established programs.

TITLE V—MISCELLANEOUS

This title, other than minor and technical amendments—

(1) provides for uniform application requirements;

(2) extends title III of the National Defense Education Act of 1958 for four years;

(3) requires a study of and report on regulations and guidelines issued by the Office of Education.

(4) amends the Elementary and Secondary Education Act of 1965, authorizing an Ethnic Studies Centers Program;

(5) establishes a Consumers' Education Program;

(6) makes the University of Guam and the College of the Virgin Islands land-grant colleges;

(7) amends title I of the Elementary and Secondary Education Act of 1965 with respect to migrant children.

Mr. PELL. There are, however, some major provisions which I should like to call to the attention of the Senate.

Title I of S. 659 contains amendments to the Federal programs of assistance to higher education. And while there are many titles involved, what we are in essence speaking of is Federal assistance to students going on to postsecondary education.

Programs presently in existence always seemed to me to be incomplete. The education opportunity grant program makes grants to needy students, coupled with a work-study grant. The national defense student loan 3 percent loan program is also available to those in need, while the guaranteed loan program of 7 percent loans is available to others.

To my mind, these programs, while estimable, contain a gap. For it is my belief, and one which has been adopted by the committee, that the Federal Government has the obligation to insure that each individual in our country should be able, as a matter of right, to pursue some type of postsecondary education if he is capable and able to do so. What we seek to do in S. 659 is provide a floor of Federal support. Using this floor, an individual can attend a local or low-cost institution, or utilizing his own resources and the other forms of student assistance can attend a higher cost institution.

I have often been struck by the fact that while 85 percent of the children from families of $15,000 plus incomes go on to college, it is estimated that 85 percent of the children from families of less than $3,000 income do not do so. The bill before the Senate seeks to redress what is obviously an inequitable situation.

Starting with the school term of September 1972, there is created a basic educational opportunity grant to all students at accredited postsecondary schools of education. This basic grant will be of $1,400, from which will be deducted a reasonable family contribution. I ask unanimous consent that the table found on page 34 of the committee report be printed at this point in the RECORD.

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

BASIC GRANT ELIGIBILITY

[Key: A=$1,400 less expected family contribution [1] (CSS tables) B=$1,400 less expected family contribution [2] (ACT tables)]

Levels of adjusted income [3]	Number of dependent children									
	1		2		3		4		5	
	A	B	A	B	A	B	A	B	A	B
$3,000	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400
$5,000	1,150	1,280	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
$7,500	455	565	860	1,050	1,130	1,315	1,300	1,400	1,400	1,400
$10,000	0	0	300	300	660	626	850	895	930	1,115
$12,500	0	0	0	0	200	0	400	200	550	380
$15,000	0	0	0	0	0	0	0	0	0	0

[1] $1,400 less expected family contribution: From table A of the College Scholarship Service Manual, 1970–71 (CSS) 1970 Manual For Financial Aid Officers (the most commonly used need analysis system.

[2] $1,400 less expected family contribution: From 1970 revisions in the ACT student need analysis service.

[3] A definition—Parents' contribution from net income by size of family—for uncomplicated cases. B definition—American college testing (ACT) need analysis system definition of income available after Federal income tax deductions but before any value for assets is ascertained.

Mr. PELL. That table clearly demonstrates the flexibility of the basic grant in connection with various family sizes and varying levels of income. For example, a child from a family with three dependent children, one of whom is in college, with an income of $10,000 would receive a grant of approximately $650. It is estimated that in the first year of operation about 1,900,000 students will be eligible for this basic grant.

The committee is keenly aware of the financial plight of institutions of higher education. Indeed, the bill contains a special provision for emergency assistance for institutions in dire straits. Mainly, however, we sought a means to provide for a continuing program of institutional aid. Many approaches for institutional aid were proposed. The committee adopted a form of aid which recognizes that increased Federal student assistance increases the burdens of the institutions accepting these students. For each student receiving a portion of the basic grant I have spoken of, the institution will receive a payment dependent upon the size of the student body. I ask unanimous consent that the table showing institutional eligibility be printed in the RECORD at this point.

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

The following table governs the amount to which an institution is entitled under subpart 5:

If the total number of students in attendance is—not over 1,000; the amount of the grant is—$500 for each recipient.

Over 1,000 but not over 2,500; $400 for each recipient or, if the number of recipients is at least 100, $50,000, plus $400 for each recipient in excess of 100.

Over 2,500 but not over 5,000; $300 for each recipient or, if the number of recipients is at least 250, $110,000, plus $300 for each recipient in excess of 250.

Over 5,000 but not over 10,000; $200 for each recipient or, if the number of recipients is at least 500, $185,000, plus $200 for each recipient in excess of 500.

Over 10,000; $100 for each recipient or, if the number of recipients is at least 1,000, $235,000, plus $100 for each recipient in excess of 1,000.

Mr. PELL. Some may have noted that in discussing this legislation I have used the words postsecondary education, rather than higher education. S. 659 recognizes that education after high school need not be college work. There is a great need for quality career education. This bill recognizes that need by making the student assistance programs available to youngsters who wish to pursue postsecondary training in a technically oriented school, be it public or private for profit.

Our concern about this type of career education prompted the committee to amend a proposal calling for a "foundation on higher education" to one on "postsecondary education."

S. 659 contains the efforts of the Committee on Labor and Public Welfare to bring some order into the Federal statutes affecting education. Last year, Public Law 91–230 consolidated various laws affecting elementary and secondary education. This year's bill does the same for higher education. Title I of the bill brings together all Federal statutes affecting higher education into one statute, the Higher Education Act of 1965. It also consolidates authority presently found in the International Education Act, titles IX—education for the public service—and X—improvement of graduate programs—of the Higher Education Act and titles IV—fellowships—and VI—area language development—of the National Defense Education Act into a new title IX of the Higher Education Act covering graduate programs. Two types of graduate programs will be authorized:

First, grants to institutions to strengthen graduate programs; and

Second, fellowships for graduate and professional degrees.

Title III of the bill contains a major reshaping of the Federal approach toward education. I have long been convinced of the desirability of a single Cabinet-level Department of Education. The administration, upon taking office, called for the establishment of a National Institute of Education—to conduct educational research—and a National Foundation on Higher Education—to support innovative projects in higher education.

Accordingly, S. 659, as I originally introduced it and as presented to the Sen-

ate today, contains a provision establishing within the Department of Health, Education, and Welfare a Division of Education, headed by an upgraded Commissioner of Education who would be the equivalent of an Assistant Secretary. Within this Division will be the present Office of Education, the National Institute of Education, and the National Foundation for Postsecondary Education. It is hoped that new vitality will be engendered into Federal education endeavors through the establishment of this single Division. This action by the committee also reflects the support for an independent Department of Education. Indeed, this newly established Division could well be spun off into a separate department at some future date.

Mr. President, the bill before us is, I believe, one which can truly be called landmark in nature, for it establishes by law the right to a postsecondary education for all of our Nation's citizens desirous of it and capable of satisfactorily absorbing it. No longer will higher education be the province of some of us—it will be the birthright of all. I am sure that during the debate on S. 659, mention will be made of the cost of this program, and I will be the first to admit that it will be costly. But, to my mind, there is no better nor more frugal investment that a nation can make than in the education of its citizenry. A nation's true wealth or strength is measured by the sum total of the education and character of her people. In a practical sense, a better educated citizenry earns more money and pays more taxes, thereby repaying the Government's investments many times over. On a philosophical basis, the Nation with an enlightened and intelligent citizenry can surely expect to take its place in the forefront of the civilized world, better equipped to cure its own ills and assist its neighbors. I urge the Senate to consider our bill favorably.

Mr. DOMINICK. Mr. President, I take this time only to say, for the purpose of the record, that we are considering a bill which is of enormous importance to the people of our country, which involves an expenditure, as I understand it, in excess of $16 billion, which covers 4 years, and on which we have no printed report.

One of the matters we tried to work out at the beginning of the session was that we would have a 3-day report understanding. If there is a report——

Mr. PELL. Mr. President, if the Senator will yield, it is on his desk.

Mr. DOMINICK. It is on the desk?

I beg the Senate's pardon. I take it all back. I have one.

It looked like the hearing record, although I realized that the hearing record was longer than this; but here we have a report which itself covers 584 pages, to be exact, containing supplemental and individual views.

Those of us on the committee who may have been attending most of the hearings and who were present in the markup, spending considerable time on it, are aware of the large number of major policy positions and a good deal of the details we had to cover. I am sure Senators have not had an opportunity to read the 584 pages in this report, and yet we are dealing here, as I pointed out, with over $16 billion of the taxpayers' money.

I am going to go forward—we agreed to do this before—but it seems to me it would be terribly difficult to try to legislate with any degree of clarity or knowledge of the membership of what we are doing with a bill this large and a report this voluminous and to have them realize how this is going to affect various groups in the country in their own particular States, as well as the edutional system as a whole.

For that reason, I would think that, wherever we can—and I am not going to make any motion or anything like that, but I call the attention of the leadership to this matter—we ought to try to abide by the 3-day rule for reports, so that we will at least have some opportunity, if not ourselves, to read the report, then to have our staffs read it and brief us on it.

I thank the Senator for allowing me to proceed.

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

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. The Senator's point is well taken, but, on behalf of the leadership on the majority side, may I say that under the Reorganization Act, as the Senator well knows, the 3-day rule may be waived by agreement between the majority and minority leaders to take up a bill prior to the expiration of 3 days, and it was only because of the time situation that the leadership waived the 3-day rule in this instance. Under different circumstances, I am sure the majority leader and the minority leader would not have waived the rule.

Mr. DOMINICK. I fully understand that and I appreciate the Senator's having made that a part of the record. My recollection, to be perfectly frank, was that there was a question when the campaign reform bill would be brought up, and the theory was that it would not be brought up until we had made an agreement on this bill with regard to a time limitation. So we were caught in a box, and I am willing to admit that.

The point I was making was that we have a complicated bill here, and we have some others coming up, and I would hope we would not waive this rule, because it makes it very difficult for Members of the Senate to know what we are talking about, and, after all, we are dealing with an enormously important bill.

Mr. BYRD of West Virginia. As I have said, the Senator's point is well taken. I am sure the majority leader and the minority leader would not have waived the rule under different circumstances and that they will, under the circumstances obtaining at a given time, be willing to accord every consideration to the wishes of the membership of this body.

Mr. PROUTY. Mr. President, the bill before us is, in my opinion, a landmark measure in the tradition of the Morrill Act of 1862, the National Defense Education Act of 1958, and the Higher Education Act of 1965. Modestly entitled the "Education Amendments of 1971," S. 659 has escaped notice except by the educational community and in a highly favorable editorial in the Washington Post.

Can it be that there is no longer time or space for good news? This bill is good news for millions of young Americans who need the assurance that their aspirations will not be limited by their economic circumstances. This bill is good news for schools which are committed to expanding educational opportunities for all Americans. This bill is good news to those who realize that there is much to be learned about how we learn and how to teach. The bill is good news to those who see strength in a diversified educational system and wish to expand education and training options. This bill is good news to those with vision, who are constantly seeking new ways to make government responsible to the aspirations of the people. This bill is good news for the Nation. Perhaps its passage by the Senate will cause S. 659 to be noticed by the media. I hesitate to suggest what the media should report, but I can and do urge Senators to support this historic measure.

As a cosponsor of the bill, I commend S. 659 to Senators as a measure unanimously reported by the Education Subcommittee and the full Labor and Public Welfare Committee in the bipartisan tradition of education legislation in the Senate. I commend S. 659 as a worthy product of 2 years of hearings and weeks of intense deliberations.

I also commend the chairman of the subcommittee, Mr. PELL, for his patience and perseverance during the exhaustive process of bringing this measure to the Senate for consideration. To my knowledge, this bill is the most lengthy and one of the most costly ever reported by the Committee on Labor and Public Welfare. However, the bulk and price tag of S. 659 hardly recommend themselves alone. Rather, the principles contained in this measure are what is important. Realizing the constraints on time, I would like to review the most important principles embodied in S. 659.

STUDENT ASSISTANCE

S. 659 contains the unprecedented principle of an assured minimum level of support for every American who seeks a postsecondary education. This minimum level of support is the sum of $1,400 less than the expected family contribution of the student, and not to exceed one-half the cost of attendance at an institution of postsecondary education.

This assured support is called a basic educational opportunity grant. Simply put, the basic educational opportunity grant provides that between the student's family and the Federal Government a student has $1,400 a year for his or her education at higher cost schools, or the Federal Government will pay up to one-half the cost of attendance at less expensive schools.

One of the most compelling features of this new basic educational opportunity program is its simplicity. The tables of expected family contributions will be published February 1 of each year so that students in high school will know what they can expect in the way of basic

student aid. The basic educational opportunity grant will take much of the uncertainty out of their planning. While existing Federal student aid programs have helped expand educational opportunities for many young people, they have been characterized by uncertainty. This uncertainty should be eliminated and would be eliminated under S. 659.

The basic educational opportunity grants proposed in S. 659 are rightly limited to a maximum of either $1,400, or one-half of the student's cost of attendance. There is clearly a limit to the amount of aid the remote Federal Government should grant as a matter of entitlement. We in Washington obviously cannot assess the specific needs of individual students. This is the responsibility of the various schools through their financial aid officers.

The basic educational opportunity grant is only the first rung up the student aid ladder. The Federal role continues on higher rungs where student aid is allocated to the schools to meet the particular needs of individual students.

Advancing up the student aid ladder, as proposed by S. 659, a student would find cash grants available. These supplemental educational opportunity grants would be available to augment the funds granted to a recipient of a basic educational opportunity grant or to assist a student whose family's expected family contribution was high enough to preclude a basic grant.

A student would find employment available through the college work study program, which has proved an excellent way of earning while learning.

Higher up the ladder a student would find direct Federal loans—the national defense student loans at 3 percent interest—to meet those costs not met by either basic or supplemental educational opportunity grants or the college work study program.

On the top rung of the student aid ladder would be guaranteed student loans. The bill enhances this present program by the creation of a secondary market mechanism, the Student Loan Marketing Association, which will be a Government-sponsored private corporation similar to the Federal National Mortgage Association and provide liquidity for lenders and thus expand the amount of loan funds available to student borrowers.

S. 659, in adding the new basic EOG's and revising and expanding existing student aid programs, recognizes the need for a broad range of programs to respond to each student's financial needs.

The bill creates a logical progression of student aid options with the assurance that every student will reach the first rung and with ample discretionary aid to enable him or her to reach the top.

The student aid provisions of this bill are consistent with and necessary to carry out the President's declaration in his March 15, 1970, message on higher education that:

> No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal. I propose that we achieve it now.

The bill before us brings us to this goal and yet as we reach this milestone I find myself looking ahead to new forms of student assistance which respond to the rising costs of postsecondary education. On July 8, I introduced S. 2233, the Post Secondary Education Finance Study Act, the provisions of which have been incorporated in S. 659 as section 140.

Section 140 of the bill requires the Secretary of Health, Education, and Welfare to conduct a comprehensive study of the financing of postsecondary education. Specifically, the Secretary is required to evaluate new forms of student aid, including loans which respond in whole or part to a borrower's future income levels.

I see such new forms of aid as perhaps a solution to the dilemma of high cost schools and lengthy courses of study, the cost of which the American taxpayer cannot reasonably be expected to pay.

I see loan repayments responsive to a borrower's income level as remedying the present problem of high repayments during a borrower's early, low-income years.

I am pleased the committee incorporated the provisions of S. 2233 in S. 659, for it is necessary that we have this study to look beyond the goal we are about to reach with S. 659.

This goal is the "great American goal" to which President Nixon referred. It is a goal which requires the clearly expressed policy of the Federal Government that no qualified student should be denied the opportunity for a postsecondary education because of a lack of money. This bill states this goal clearly with solid, workable programs to carry out its intent.

The priority in this bill is clearly the students, yet we can only carry out our intent and reach our goal with the help of our institutions. They must assume the burden of our intent and the desire to reach our goal.

INSTITUTIONAL AID

The "education amendments of 1971" significantly increase the Federal responsibility in expanding educational opportunities for all Americans. The principle of assurance embodied in the new basic educational opportunity grant program requires a coincident mechanism of support to the institutions assuming in large part the burden of the Federal responsibility.

The financial condition of our post secondary education system in general, has been alternatively described as a "crisis" and a "crunch."

Whatever the proper description, there appears no easy prescription for remedying the financial malaise of our schools and colleges. Proposals for general institutional aid raise important constitutional questions. They also raise the basic question of whether the responsibility for the support of institutions should be reallocated to the Federal Government.

Throughout over 100 years of providing support for higher education, the Federal Government has always distributed its funds on the basis of the services or functions which higher education institutions perform for our society. The States in contrast have provided basic and general support to public institutions.

The question of institutional aid was of great concern to the members of the subcommittee and full committee and the resulting cost of instruction allowances provision represents not only the members' best efforts, but reflects the basic aid concept proposed by the administration in testimony by Health, Education, and Welfare Secretary Elliot Richardson before the subcommittee on June 9.

Secretary Richardson set four guidelines for judging new forms of institutional aid. His first guideline is most important to our consideration of S. 659.

Secretary Richardson said:

> First, additional aid should be related to the effort which the institutions themselves are making to fulfill a recognized national purpose. New institutional aid should—at least for the time being—carry through on commitments the Nation has already undertaken, such as equalizing opportunity, stimulating reform and innovation, sponsoring research, and encouraging specific programs, which are in the national interest.

The principle of student aid assurance in this bill massively reinforces and amplifies the recognized national purpose of removing the financial barriers of post-secondary education.

As we provide low-income students with funds not previously available, we require the assistance of institutions in enrolling and educating these students.

In his June 9 testimony, Secretary Richardson clearly set forth the consequence of the responsibility we are asking the institutions to assume as their part of our national purpose. He said:

> . . . low-income students are far more frequently less prepared for a traditional academic education than our students. Further, we believe that the institutions which are undertaking a major commitment to serve these students should have the additional resources necessary to redesign programs suited to the ever-widening spectrum of students entering colleges and universities.

Our subcommittee and committee agreed with the Secretary's observation and provided a cost of instruction allowance to each school based on the number of students enrolled who receive basic educational opportunity grants. The amount of the grant per basic educational opportunity grants recipient is inversely proportioned to the size of the school. This is necessary to compensate for the economies of scale which larger institutions have in adjusting curriculum and faculty. Small schools must be encouraged to increase their enrollment of low-income students or we may someday find that we have a dual system of postsecondary education with the affluent attending small private schools and the less affluent attending large public schools. Our Nation needs a diverse system of postsecondary education. It needs our small colleges as much as our large universities, and all must pursue our national purpose of education opportunity.

In weighing the cost of instruction allowances, on a declining scale from $500 to $100 per basic educational opportunity grants recipient, it should be pointed

out that for the larger schools a larger sum is allowed when the number of basic educational opportunity grants recipients reaches 10 percent of the enrollment.

The cost of instruction allowances are an essential component of this bill. The allowances insure that as we increase the demand for postsecondary education we also increase the supply. We are asking our institutions to help us carry out our responsibility. The cost of instruction allowances aid them in this, the national purpose.

INNOVATION AND REFORM

The inequality of postsecondary educational opportunity is greater than that to which we respond directly in this bill, because low-income students have less chance of finishing high school or of scoring well on conventional tests even if their ability is high.

In recent years we have begun to realize these and other education problems, which cannot be solved by money alone.

We realize now that we have much to learn about how we learn and how to teach and we need to focus on educational research and innovation. I was pleased to cosponsor the administration's bill to create a National Institute of Education and to see the Institute included in S. 659.

As a nation we are committed to providing a quality education for every American, yet we are not committed to any one curriculum or system and we must not be. The National Institute of Education should challenge all educators to seek new educational methods and concepts and improve the quality of our teaching and learning. S. 659 provides for the creation of a vital Institute overseen by a strong National Council on Educational Research.

In recognition of the magnitude of education research that must be conducted, S. 659 authorizes appropriations of $550 million over a 4-year period and this sum may well be insufficient for the task the Institute will undertake.

The need for innovation and reform transcends the entire range of education. Postsecondary education in our Nation clearly needs a new source of support for experimentation, for probing into new areas of scholarships and totally different kinds of education.

S. 659 includes the administration's proposal for a National Foundation for Higher Education.

Thus, this bill provides the opportunity for a good measure of reform and innovation.

Perhaps in years to come as we look back on this bill we shall discover that our greatest decision was to establish the Institute and Foundation, for in so doing we eagerly sought what we did not know. Perhaps the knowledge gained will be of greater importance than the other provisions of this bill. It is exciting to contemplate what we may derive from the Institute and Foundation.

A LOOK TO THE FUTURE

The "Education Amendments of 1971" constitute more than "this year's education bill." This is a bill which lays a solid foundation for the future of all education in our Nation. It provides solutions to problems we have studied and requires studies of problems we have perceived, but not fully grasped. It answers questions where the answers are available and raises questions where the answers are not. It creates mechanisms to perceive, define, and solve problems of which we may not now be aware.

It is a monumental measure in the principles it establishes and strengthens, yet, its basic strength lies in its faithful adherence to the need for diversity in our Nation's system of postsecondary education.

The future of our Nation depends in large measure on our educational processes. Our strength as a nation has depended, and shall continue to depend, on the diversity of our people. We cannot afford to replace this diversity with a monolithic educational system where all Americans are taught the same subjects, in the same fashion and in the same setting.

We need our small colleges and large universities. We need business and technical schools and community colleges. We need a wide range of choice so that equal educational opportunity means an equal chance for every American to choose freely among many options. That is what our country is all about.

Mr. President, this afternoon I received a letter from the Under Secretary of the Department of Health, Education, and Welfare, John Veneman. In his letter, Secretary Veneman outlines the administration's position on S. 659, the "Education Amendments of 1971." As a cosponsor and supporter of the bill, I do not agree with all that is contained in this letter. However, I do feel that it is essential to the debate that Senators be apprised of the administration's position on the pending bill. Therefore, I ask unanimous consent that Secretary Veneman'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:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., Aug. 4, 1971.

Hon. WINSTON L. PROUTY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROUTY: As the Senate prepares to take final action on S. 659, the Education Amendments of 1971, I should like to take this occasion to share with you the results of our review of the bill reported by the Committee on Labor and Public Welfare.

We are pleased that the bill incorporates several major Administration initiatives, including the targeting of student aid on the neediest, creation of a National Institute of Education, a National Foundation for Post-Secondary Education, and a secondary market mechanism for student loans. These provisions will do much to achieve the dual national goals stated by President Nixon in his Messages of March 19, 1970 and February 22, 1971: equalizing opportunities in higher education and encouraging renewal, reform and innovation in the structure of higher education.

However, there are three major aspects of S. 659 which are of great concern to the Administration and which I would like to bring to the attention of the Senate as it considers this measure:

First, the bill provides for authorization levels in excess of $6 billion in Fiscal Year 1973, the first year during which the bill would be fully effective. It is estimated that two provisions alone, regarding Basic Educational Opportunity Grants and institutional cost-of-instruction allowances, would, if fully funded, cost more than $1.6 billion in fiscal year 1973. The fiscal year 1972 appropriation for the entire Office of Education totals $5.024 billion, of which $1.344 billion is available for higher education; these sums represent increases over fiscal year 1971 of, respectively, $500 million and $370 million. We believe that the unrealistically high authorization levels set by S. 659 will foster budgetary expectations which cannot possibly be fulfilled in the near future by the Executive Branch or the Congress. This is neither wise nor humane to the students and the institutions which are awaiting action on this measure. It would be far preferable to set authorization levels closer to actual projections of need and budgetary realism.

Second, the bill authorizes several new categorical programs, including consumers' education, support for community colleges, and emergency assistance for institutions of higher education. In addition, existing authorities have been expanded in the areas of impact aid, community service and continuing education, vocational education, and graduate education. The further expansion of categorical programs runs counter to one of the missions of the proposed National Foundation for Postsecondary Education: to bring into rational ordering the great variety of programs supporting postsecondary education. The expansion of the elementary and secondary programs is also counter to the Administration's goal of consolidation at the elementary and secondary level through such proposals as Education Revenue Sharing.

Finally, several organizational changes in the Office of Education are mandated by S. 659. These include a community college unit, a GS–17 Director of Consumers' Education, a Bureau of Indian Education, and a Bureau of Occupational and Adult Education with several new positions in grades GS–16 through GS–18. Also mandated are promotion of the Director of the Teacher Corps to the grade of GS–18 and severe restriction on the Commissioner of Education as to the duties which may be assigned to the Director. We believe that efficient administration of the Office of Education is more likely to be achieved by permitting the Commissioner to determine the necessary organizational relationships within his agency in accordance with the practice which the Congress has generally followed.

I very much appreciate having this opportunity to state the Administration's views on S. 659 as it is presented to the Senate.

Sincerely,

JOHN VENEMAN,
Acting Secretary.

Mr. PROXMIRE. Mr. President, I congratulate the distinguished Senator from Rhode Island (Mr. PELL) on this bill and on the excellent statement he has made.

Did I correctly understand the Senator to say that he regards this as landmark legislation, in part?

Mr. PELL. Yes.

Mr. PROXMIRE. Because it would provide an opportunity for all American young men and women who are capable of qualifying for higher education to earn it, provided, of course, they have the intellectual capabilities, and so forth. This would provide the beginning basis for the funding. Is that correct?

Mr. PELL. It would provide such a floor.

Mr. PROXMIRE. The inquiry I should like to make relates to the point the Senator has made that this is landmark legislation providing an opportunity for the first time—at least, the basis for an opportunity—for all Americans who are qualified to go on to postsecondary education, as the Senator has put it.

In this connection, the Senator will recall, I wrote the Senator and asked him to consider an amendment which would provide for a study of an approach which Yale University, I understand, is trying and which the Governor of Ohio proposed. Whether the proposal of the Governor of Ohio has been accepted by the Ohio Legislature, I do not know, but at least he proposed it. The proposal is to permit those who can qualify to enter an institution of postsecondary education and the cost, including the cost of room and board, as well as the cost of tuition, would be loaned to them and would be paid back based on their future income. The Senator, I think, has incorporated into his bill an excellent section providing a study of that, section 140.

I note that on page 232, lines 7 and 8, the section indicates that there will be a study of this kind of approach, including loan programs based on income contingent lending.

I should like to ask the Senator a couple of questions, which will take me a minute or two, to try to spell out what this study would include.

As I understand, it relates to the feasibility of a universal national higher education program under which undergraduate and graduate students receive low-interest loans for education, other fees, and living expenses, and repay such loans when the student borrower begins employment, based on a percentage of his annual income above a certain minimum. This does not indicate that the bill provides this. It provides a study of its feasibility.

Mr. PELL. That is correct. It is a study of the development of what was originally the Zacharias proposal.

Mr. PROXMIRE. I think so, although I proposed it to the president of Harvard University back in 1947, some 24 years ago.

Mr. PELL. As the Senator knows, we have had this idea before the committee for some time. We thought it would be a good idea, partly motivated by the Senator's communication to the chairman of the full committee, to incorporate this material in the study.

Mr. PROXMIRE. In that connection, in carrying out the study, I hope that the following points would be considered.

Present and projected rates of tuition and fees and living expenses; present and projected rates of enrollment in post-secondary schools and institutions of higher education; the effect of the availability of a universal national loan program would have on present and projected tuition and enrollment; the amount of Federal funds necessary to indemnify such a loan program at its inception; other methods of funding such a program, including secondary market mechanisms; the best method of repayment of the loans made under such a program; and the amount each year which could reasonably be expected to be needed for the loan portion of the program and the expected amount for each such year.

What I am saying is that I think these details would then give us a notion of the financial feasibility, the size of it, and whether or not it is the kind of program which Congress would choose to undertake in view of the amount of money involved.

Mr. PELL. I would agree with the Senator, and I would consider this colloquy as further legislative history delineating even more the intent of Congress.

Mr. PROXMIRE. I thank the Senator very much.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SPONG). The Senator will state it.

Mr. JAVITS. How is the time controlled and by whom?

The PRESIDING OFFICER. The Senator from Rhode Island and the Senator from New York have control of the time on the bill.

Mr. PELL. Do we have time jointly or separately?

The PRESIDING OFFICER. Separately.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, this is probably as much of a landmark bill in terms of higher education, because of the new programs which are referred to here, as any we have had before us since I have been a member of the Committee on Labor and Public Welfare, and certainly since I have been its ranking minority member.

The provisions of the measure, in my judgment, are imaginative and broad in scope. Considering the fact that we now have more than 7 million college students, this is vital.

The student assistance provisions reflect the basic proposition enunciated by the President of the United States in his March 19, 1970, message on higher education, when he said:

> No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now.

In my judgment, this bill—I hesitate always to use a completely inclusive term—as far as all practicality will allow, will achieve it now in very great part.

The bill not only looks toward the young American in the poverty category but also toward the large number of young people from middle-income families whose resources—that is, the family's resources—are insufficient to meet the rapidly mounting costs of a higher education.

Mr. President, we face a danger that our campuses may be occupied either by the very poor or the well-to-do. Aid to the poor is essential, and nobody wants to discriminate against the well-to-do. But we also have to remember that pricing out the middle-income groups would be violative of the American system.

This bill really also goes a very long way toward meeting the feelings of those in the Chamber who have moved heretofore to give an income tax credit to middle-income families sending their children to college, as against the arguments of many of us that this was an unwise way to divert resources and that a better way would be found. I believe this bill finds it.

Mr. President, the man who is really entitled to the greatest approbation in respect to this bill is the chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL). In the first place, he devoted himself to it in an unparalleled way. He had a unique quality of being able to bring together a wide variety of divergent views and an eclecticism in filtering through the desirable and the workable in terms of many amendments respect to this bill is the chairman of the and proposals we faced, and concluding with the finished product, which enjoys not only the support of our committee, which cosponsored this measure, but also, as he has said, enjoys the cosponsorship of 25 percent of the Senate.

I might add, too, that the Senator from Vermont (Mr. PROUTY), who is the ranking minority member of this subcommittee, follows, in the fine work he did on the bill, in the footsteps of his predecessor from Vermont in the 19th century, Justin P. Morrill, author of the Land Grant College Program—in a very real sense, a historic grandparent of the legislation now before us.

Now, Mr. President, other members of the minority did a great deal to help in making this the landmark bill it is. The Senator from Colorado (Mr. DOMINICK), for example, among other things, contributed the Student Loan Marketing Association provision, which should have a profound and helpful effect in making available more student loans from the private sector, the big pool of money loaned to students, now more than $1 billion but probably will be twice that before we get through. Our appreciation also to the Senator from Pennsylvania (Mr. SCHWEIKER) who offered, in addition to other parts, the provision establishing ethnic heritage study centers for study of the contributions of the cultural heritage of the ethnic groups of the Nation and to the Senator from Maryland (Mr. BEALL), a freshman member of the subcommittee, who included among his contributions the program of emergency assistance for institutions of higher education experiencing serious financial distress.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief summary which may be useful to Senators for reference of the bill's provisions as prepared by the minority staff.

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

A BRIEF SUMMARY OF S–659

Title I (Higher Education):

Part A—Extends Title I (Continuing Education), HEA*, adding setaside for special national and regional programs and new authorization for Metropolitan Area Programs.

*HEA—Higher Education Act.

Part B—Extends Title II (College Library Programs), HEA, specifying percentage authorizations for various programs and making minor changes.

Part C—Extends Title III (Strengthening Developing Institutions), HEA, broadening opportunities for developing institutions in other programs, clarifying definition, and other minor changes. New program of Emergency Assistance for Institutions of Higher Education.

Part D—Revises and extends Title IV (Student Assistance), HEA, as follows:

Subpart 1—New Basic Educational Opportunity Grant program providing aid entitlement based on formula of $1,400 minus family contribution (computed on basis of income, assets, family expenses, etc.), not to exceed half college cost nor less than $200 (minimum can be waived).

Subpart 2—Supplemental Educational Opportunity Grants, similar to existing Educational Opportunity Grant program, with minor changes.

Subpart 3—Grants to States for State Scholarship Incentives, new, matching States 50/50 for their student assistance programs similar to Federal educational opportunity grants.

Subpart 4—Special Programs for Students from Low-Income Families, consolidates existing programs and adds new program for Educational Opportunity Centers.

Subpart 5—Payments to Institutions of Higher Education for Cost of Instruction, new, payments to schools based on number of Basic Educational Opportunity Grant students and school size.

Part D also extends guaranteed student loan program, with changes; sets out provision for Student Loan Marketing Association to enhance lender fluidity; extends Emergency Insured Student Loan Act, work-study and co-operative education programs; rewrites with some changes, NDEA student loan program, codifying it as Part E (Direct Loans to Students in Institutions of Higher Education), Title IV, HEA; study of higher education finance.

Part E—Revises and extends Title V (Education Professions Development), HEA, including changes to strengthen programs and set minimum authorization levels for EPDA programs.

Part F—Extends Title VI (Instructional Equipment), HEA.

Part G—Transfers facilities construction provisions of Higher Education Facilities Act to new Title VII, HEA, adds new Academic Facilities Loan Insurance and minor revisions in existing law; establishes State higher education commissions.

Part H—Extends Title VIII (Networks for Knowledge), HEA, with minor changes.

Part I—Sets out two titles of HEA, as follows:

Title IX (Graduate Programs)—grants to institutions and Federal fellowships, consolidating existing programs with new provisions.

Title X (Improvement of Educational Opportunities Through Community Colleges)—new program for grants for state planning, establishment and expansion, and leasing of facilities; establishes OE community college unit.

Part J—Extends Title XI (Law School Clinical Experience) with minor changes.

Title II (Vocational Education):

Extends existing programs, establishes new OE Bureau of Occupational and Adult Education, adds "industrial arts" to definition of vocational education; adds volunteer firemen to vocational education programs.

Title III (HEW Education Division):

Establishes Education Division within HEW headed by Commissioner of Education (assistant secretary level). Within Division are Office of Education (as presently constituted), a new National Foundation for Postsecondary Education for stimulating innovation and new National Institute for Education for education research.

Title IV (Indian Education):

Part A—Amends impacted aid program (PL 874) for new program of grants to local educational agencies for educating Indians.

Part B—New programs of grants for special programs and projects to improve educational opportunities for Indian children.

Part C—New Indian adult education program.

Part D—Establishes Bur. of Indian Educ. and Natl Adv Council on Indian Educ.

Part E—Miscellaneous provisions amending existing laws on behalf of Indian Education.

Title V (Miscellaneous):

Amends General Education Provisions Act with respect to administration of programs and projects.

Extends Title III, Part A (Grants to States) of National Defense Education Act.

Mandates Commissioner of Education to study post-1965 rules, regulation, guidelines, etc. as they relate to statutory authority.

A new Title IX (Bilingual Education), ESEA, to establish new ethnic heritage center program.

Amends Title VIII (General Provisions), ESEA, to establish new consumer education program.

Gives land-grant status to College of Virgin Islands and University of Guam.

Amends Title I, ESEA, for migrant and delinquent children.

Mr. JAVITS. Mr. President, the President sounded the challenge when, in his March 19, 1970, message on higher education he stated:

No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now.

The bill contains a well-designed response to this summons to meet the needs of the present and of the future. It looks not only toward the young American in the poverty category but also toward the large number of our young people from middle-income families whose resources are insufficient to meet the rapidly mounting costs of a higher education. We must be careful lest our campuses be occupied principally by those at the poverty level, who qualify for aid, and those from the upper income brackets, who can afford to pay—a campus peopled only by the very rich and the very poor, pricing out the middle income, is also violative of the American system.

Mr. President, I ask unanimous consent to have printed in the RECORD a description of how the student assistance program proposed by S. 659 would operate, expressly adapted to the needs of children of middle-income as well as lower-income families.

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

PROPOSED STUDENT ASSISTANCE PROGRAM

An undergraduate student* would be eligible, as follows:

Basic educational opportunity grant:

An entitlement of an amount equal to $1,400, less his expected family contribution, such amount to be not more than one-half college cost to the student. Family contribution is determined by family income, assets, dependents, and unusual expenses (e.g., hospitalized parent) and standard would be first published in Federal Register, subjected to public and Congressional review (with provision for Congressional rejection), before becoming effective. (In cases where a student receives a Basic Educational Opportunity Grant, the school which he attends will receive a grant of from $100 to $500, in reverse ratio to the size of the institution.)

If (a) this amount is insufficient to meet college expenses or (b) if family income too high for student to qualify for basic grant but college costs above student's capacity to pay, student would be eligible for one or more of the following:

Supplemental educational opportunity grant:

Similar to present EOG grant ($200 to $1,000), with following changes: (a) The student matching requirement is waived so that basic grant may be considered as part of matching; and (b) an additional $200 eligibility for students in upper half of college class.

Work-study:

Similar to present work-study program.

NDEA student loan:

Similar to present program, with following changes: (a) Annual loan limit increased from $1,000 to $1,500 and total limit increased from $5,000 to $7,500; (b) monthly minimum repayment increased from $15 to $30; and (c) Commissioner to reimburse schools for forgiveness—the latter two provisions will result in an increase in the loan revolving fund, thus making more money available for NDEA loans.

For (a) those middle-income students ineligible for the foregoing and (b) those in high-cost institutions for whom the foregoing is insufficient, there would be available:

Guaranteed student loans:

Similar to present program, with warehousing and secondary market provision added to help lender fluidity; annual loan limit increased from $1,500 to $2,500 in exceptional cases.

*For part-time students, aid is prorated.

Mr. JAVITS. Mr. President, I also ask unanimous consent that certain figures furnished to me earlier this week by the Office of Education as to the costs of higher education to students, showing the urgent need for the provisions which we have inserted in the bill, be printed in the RECORD.

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

*Costs of higher education to the students**

[Figures are based on estimates for 1971–72]

TOTAL COSTS

(These figures include tuition and room and board.)

Public schools:	
Public universities	$1,523
Other 4-year schools	1,303
2-year schools	1,094
Private schools:	
Private universities	3,344
Other 4-year schools	2,811
2-year schools	2,431

TUITION COSTS

Public schools:	
Public universities	482
Other 4-year schools	364
2-year schools	223
Private schools:	
Private universities	2,100
Other 4-year schools	1,734
2-year schools	1,280

ROOM AND BOARD COSTS

Public schools:	
Public universities	1,041
Other 4-year schools	939
2-year schools	871

Footnote on next page.

Private schools:	
Private universities	1,244
Other 4-year schools	1,077
2-year schools	1,151

* These figures will appear in the next publication of the "Digest of Educational Statistics."

Mr. JAVITS. Now, Mr. President, a few observations on what I consider to be some of the real highlights of the bill.

The bill also makes it possible for half-time students to participate for the first time in all student assistance programs on a prorated basis. As a student who attended law school in the afternoons and evenings and worked the rest of the time, I am in a unique position—as are other Members of this body—to appreciate what this means; also to have had the privilege of joining in proposing it as a member of the committee. Part-time students form a substantial portion of the student body in our Nation, some 1.03 million of the 2.2 million attending junior and community colleges and 1.65 million of the 6.35 million attending 4-year institutions. If it were not for the opportunities of part-time study, many of these young people would be unable to obtain a higher education due to the fact that family or personal circumstances oblige them to work while pursuing their studies. I have an especial personal sympathy for young people who find themselves so constrained because as a student I also found it necessary to work part-time while undertaking my law studies at New York University, a circumstance which I am sure was shared by many Members of this body.

The bill also takes note of the special role of the States in assisting students to attain a higher education. Again I refer to something which makes me especially proud of my own State of New York which provides student incentive grants of an unusual kind, approached only by the State of California. I felt deeply honored to have this provision accepted by the committee.

I refer particularly to the new subpart 3 of title IV–D of the Higher Education Act which provides grants to the States for State scholarship incentives. This provision, which I authored with excellent technical assistance from the State University of New York and the New York Department of Education, provides student incentive grants to the States on a 50–50 matching basis to assist young people from families of substantial need to obtain a postsecondary education. It is designed to encourage the States to expand their present programs of grant assistance to students, and complements existing and proposed Federal student-aid programs. As States would receive funds only when they expand current efforts, Federal funds would supplement, not supplant, existing programs

At a time when some 8 million of our young people are enrolled at the Nation's colleges and universities and higher education has an annual budget of $26 billion—and both figures are steadily growing—it is vital that innovation, reform, and educational excellence be nurtured if postsecondary schooling is to be able to meet the challenge of this new age.

The bill contains, in title III, provision for a National Foundation for Postsecondary Education along the lines of the proposal which I had earlier introduced on behalf of the administration. The foundation has as a principal purpose the fostering of innovation, enabling institutions to undertake efforts which they heretofore have not been able to venture into because of the narrow confines of existing programs and their own tight budgets. The foundation, for example, will have authority to make grants for programs based on developing cost-effective methods of instruction and operation, introducing reforms in the structure of the academic professions, new combinations of academic and experimental learning, and the creation of programs tailored to individual needs.

In an era where enrollments have tripled since 1955, higher education budgets have doubled since 1960 and annual expenditures per student have been rising three times as fast as the cost of living, innovation must be the key if our colleges and universities are to be able to offer quality higher education to the growing numbers of our people of all ages and from all walks of life desirous and capable of achieving it. New models of teaching and learning must be developed. We need to encourage experimentation. We need probings into new kinds of education. We need to determine in a more finite way how long it should really take to receive a post secondary education. All the shibboleths of the number of years required to be a doctor, lawyer, accountant, or the fact that we get 3 or 4 months off during the summer, must be reexamined in the light of the tremendous breakout of the educational system in terms of higher education for all who seek it.

It will be noted that increasingly reference is made to "postsecondary education" rather than merely to "higher education". Education after high school for many means an academic or professional future. For others it means schooling in the occupations. A significant number of our young people do not seek to pursue their education after high school in purely academic fields but rather seek occupational, or career, training. Some 2 million Americans are now enrolled full time in postsecondary vocational or technical training courses—this is contrasted with 150,000 such students in this category as recently as 1964. This phenominal growth is perhaps one of the most significant developments in American education today.

Half of all jobs opening up in the 1970's will require training beyond high school but less than a 4-year degree. The U.S. Office of Education has estimated that as many as 25 million Americans now need some form of occupational training. Less than half this number are now receiving such training. Yet, despite persistent national requirements in the occupational field, the Federal Government spends $4 in remedial manpower programs for every dollar it invests in vocational education as a source of prevention of unemployment and welfare, and invests only a dollar in vocational-technical education for every $14 spent on the Nation's colleges and universities.

I would like to point out that community colleges, in a provision authored by the chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS), received special attention in title I of the bill, and quite properly expanded the horizons to include occupational education. In my own State of New York, for instance, new curricula at community colleges have included aircraft-operations technology, correction administration, physical, and occupational therapy, and environmental health technology.

This bill offers opportunities for the non-academic student to attend the eligible institution of his choice, whether a public community college, a proprietary school or a nonprofit private institution which offers the specialized training which he seeks. A Bureau of Occupational and Adult Education is also established within the U.S. Office of Education to give especial attention to these needs.

CONCLUSION

Within the confines of the time limitations on debate, I have confined my remarks to only several salient points of the bill. If I were to say anything within the necessary confines of succinctness in summary, I would quote from the concluding paragraph of the supplemental views signed by all the minority members of the committee:

In the years ahead our Nation needs strong institutions to give high-quality education to a vastly expanded student population and to meet the challenges of a new world and new ideas. As we have for more than a century, we are pledged in the Federal establishment to continue to foster that growth, as trustees and catalysts, never by order or control.

Finally, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the text of the supplemental views of the minority members of the committee.

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

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, PROUTY, DOMINICK, SCHWEIKER, PACKWOOD, TAFT, AND BEALL

The undersigned members of the minority on the committee support the Education Amendments of 1971, S. 659. Our support of this measure is consistent with the historic sponsorship and support of constructive education legislation in the Congress on a bipartisan basis and our party's own traditions dating back more than a century when, in 1862, during the administration of Abraham Lincoln, the first Morrill Act for land grant aid to colleges became law.

HIGHER EDUCATION OPPORTUNITIES FOR ALL

The President commenced his March 19, 1970 message on Higher Education with the declaration—

"No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now."

And he concluded the message with the observation—

"The time has come for a renewed national commitment to post-secondary education and especially to its reform and revitaliza-

tion. We must join with our creative and demanding young people to build a system of higher education worthy of the ideals of the people in it."

And the members of the minority of this committee, in their views appended to both the 1966 and 1968 higher education bills, stated:

"As Republicans we are actively interested in achieving the goal sought by our party for more than a century—making available a higher education for all young Americans who qualify and who seek it."

In considering the availability of a higher education, we refer not only to those in the poverty category but also the large number of young people from middle-income families whose resources are insufficient to meet the mounting costs of a college education. We must be careful lest our campuses be occupied principally by those at the poverty level, who qualify for special aid, and those from the upper income brackets, who can afford to pay—a campus peopled only by the very rich and the very poor, pricing out the middle income, is also violative of the American system.

We wish also to stress that post-secondary education is not only for the very young. The average age of the students in the nation's community colleges is 26, illustrative of the fact that educational opportunities cannot be confined to those recently out of high school.

This bill, we believe, is a landmark measure which is a great stride forward toward the goals enunciated by the President in his March, 1970 message and by the members of the minority of this committee. We take understandable pride in our contributions to it.

CONTRIBUTIONS OF THE MINORITY

We are particularly gratified to note some of the principal contributions of the minority to this bill as finally reported. These provisions include:

1. Establishment of the National Foundation for Postsecondary Education to stimulate innovation in higher education.

2. Establishment of the National Institute of Education to foster educational research.

3. Establishment of the Student Loan Marketing Association to enhance liquidity for guaranteed student loans through providing a warehousing and secondary market mechanism.

4. Establishment of ethnic heritage studies centers for study of the contributions of the cultural heritage of the ethnic groups of the Nation.

5. Program of emergency assistance for institutions of higher education experiencing serious financial stress.

6. Authorization of matching grants to States for State scholarship incentives.

7. Requirement of a comprehensive report by the Secretary of Health, Education, and Welfare on the financing of postsecondary education.

8. Inclusion in definition of developing institutions of junior and community colleges located in or near Indian reservations.

9. Inclusion of special problems of career education in National Institute of Education.

10. Authorization of grants to improve planning and management capability of higher education institutions.

11. Inclusion of half-time students in educational opportunity grant programs.

12. Establishment of a new academic facilities loan insurance program for non-profit private institutions of postsecondary education.

13. Requirement for study to result in specific recommendations on a nationwide cost-of-education cost-accounting methodology.

14. Inclusion of young delinquents in adult correctional institutions in Title I, Elementary and Secondary Education Act, on same basis as delinquents in juvenile institutions.

15. Establishment of Educational Opportunity Centers to counsel poor and others on entering college.

16. Requirement that Basic Educational Opportunity Grants, Supplemental Educational Opportunity Grants, the College Work Study program, and contributions to the National Defense Student Loan program fund receive priority in funding.

17. Permit developing institutions to receive two-thirds Federal funds for construction grants.

18. Provision for employment of high school and college students as tutors or instructional assistants for educationally disadvantaged children.

19. Authorizing an additional $200 in amount of Supplemental Educational Opportunity Grant for students in upper half of college class.

20. Provision for the retraining of teachers to enable them to teach other grades or subjects in which teacher shortages exist.

21. Establishment of a Bureau of Occupational and Adult Education within the U.S. Office of Education.

22. Elimination of restrictions in Education Professions Development Act on training of teacher aides and on training teachers and teachers aides serving in non-public schools.

23. Amendment to meet problem of discrimination against particular categories of students in guaranteed loan program.

24. Expansion of program of improving training opportunities for elementary and secondary education personnel to encourage persons to serve as tutors in pre-school, elementary and secondary classes.

25. Authorization of construction grants for removal of architectural barriers to handicapped persons.

26. Authorizing use of Education Professions Development Act funds to train teachers of American Indian children.

27. Inclusion of at least one student in governing board of National Foundation for Postsecondary Education.

28. Increasing to 5% or $20,000, whichever is greater, the amount which a State may expend for administration of its plan for attracting and qualifying teachers to meet critical teacher shortages.

29. Consolidation of certain higher education programs.

30. Provision for uniform application requirements under Title II (College Library Assistance), Title III (Strengthening Developing Institutions), and Title V (Education Professions Development) of the Higher Education Act.

31. Inclusion of volunteer firemen in vocational education programs.

In addition to these, the minority members were responsible for numerous minor and technical improvements to the bill.

CONCERN FOR NATION'S COLLEGES

We have long had the strong conviction that our colleges must be institutions free of political controls nurtured by a concerned citizenry through both public and private sources. American higher education now stands foremost in the world both in terms of scholarship and in terms of the opportunities offered our people. We intend that it should continue so.

We are much concerned with the future of our Nation's private colleges, now comprising about one-fourth of all enrollment, many in dire financial straits, whose growth is not keeping pace with that of higher education generally.

These non-public schools, whose place in the ranks of American higher education dates back to 1780, provide not only higher education for more than 2 million young Americans but, also as important, are a leavening and stimulating influence for public colleges and universities. Their continuing vitality is essential to the continuing vigor and diversity of all higher education, both public and private.

A particular plight faced by many private institutions of higher education in all parts of the nation, a plight shared by public institutions as well, is what the Carnegie Commission on Higher Education termed "a financial crisis, unmatched in its impact in any previous period of history". Programs of Federal assistance, such as are provided in this bill must be complemented by strengthened State and local support, and by contributions from individuals and the private sector in our economy.

In addition, innovation must be the key if the Nation's colleges, universities and other institutions of postsecondary education are to be able to offer quality higher education to the growing numbers of our people of all ages and from all walks of life capable of achieving it. New models of teaching and learning and of institutional management must be developed. There must be a source of support for research, for experimentation, for probing into new areas of scholarship and for different kinds of education and the facilities in which to undertake them.

Increasingly reference is made to "postsecondary education" rather than to "higher education". For, while education after high school for many represents additional schooling in academic or professional channels, many others find their schooling in the occupations. American education must not be strangled by degrees or become mired in the bog of credentialism. As former HEW's Secretary John Gardner wrote:

"An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

Provisions in this bill for a National Foundation for Postsecondary Education, for a National Institute of Education, and for new and expanded institutional and student assistance programs, sponsored by minority members of the committee and supported by the Administration, will, we believe, appreciably assist in bringing in the new era of American higher education which we envision.

With these provisions, this bill has the potential of being as great in its importance and its impact as the National Defense Education Act of 1958, the Cooperative Research Act of 1954, and the establishment of the Department of Health, Education, and Welfare in 1953.

CONCLUSION

In the years ahead our Nation needs strong institutions to give high-quality education to a vastly expanded student population and to meet the challenges of a new world and new ideas. As we have for more than a century, we are pledged in the Federal establishment to continue to foster that growth, as trustees and catalysts, never by order or control.

JACOB K. JAVITS,
WINSTON PROUTY,
PETER H. DOMINICK,
RICHARD S. SCHWEIKER,
BOB PACKWOOD,
ROBERT TAFT, JR.,
J. GLENN BEALL, JR.

Mr. JAVITS. Mr. President, finally I wish to state that there has been, as I said, in another connection a little earlier, there has been much erosion in the motivation of our people and an erosion in their confidence in the destiny which always for generations was unquestioned, the great destiny of the United States.

Mr. President, in my judgment, the three ways in which this erosion can be repaired and a new birth of confidence in our future development in this country are as follows:

First, if we show we are able to get out of the quagmire of Vietnam, and we are on the way to doing that.

Second, if we show we are able to get out of the quagmire of the syndrome of inflation and unemployment, and I am hopeful that we are on the way to doing that.

And, third, if we show our ability to accord to our people the degree of education which they are capable of absorbing without allowing the economics of that opportunity to be a barrier to them.

If we do all three of these things, Mr. President, we can be satisfied in our consciences that the future of America in the eyes of its own people has again been restored to that brightness which has been a hallowed tradition and which it so richly deserves.

Mr. PELL. Mr. President, I thank the distinguished senior Senator from New York, the ranking minority member of the full committee, for his eloquent words and for again underlining the fact that the pending bill is the product of us all, not only the members of the committee, but also the staff members. It enjoys the broad support that it has because each member has been very much a part of its writing and that is the way it should be.

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

Mr. PELL. I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, as one who supports appropriations for higher education, I wonder if there is a committee report, and I do not mean the green book on my desk, but is there a relatively brief committee report giving the purport of this legislation?

Mr. PELL. Mr. President, there is on pages 2 through 9, a short summary of the bill.

Mr. BYRD of Virginia. What is the timetable on the legislation? I notice that we have a committee report that contains 575 pages. The bill was laid before the Senate at 5 o'clock tonight. What is the timetable?

Mr. PELL. There is a unanimous-consent agreement that was arrived at yesterday that provides for 6 hours on the bill, an hour on amendments, half an hour on amendments to amendments, 3 hours on the Dominick amendment, and 2 hours for each of the two Metcalf amendments.

Mr. BYRD of Virginia. What is the amount of money involved? How much money is involved in the bill?

Mr. PELL. It is $18 billion.

Mr. BYRD of Virginia. It is $18 billion, and we are going to dispose of it tomorrow.

Mr. PELL. That is somewhat more time than we sometimes take in disposing of military appropriations bills.

Mr. BYRD of Virginia. I do not think we ought to dispose of miiltary appropriation bills in any such time. I certainly do not defend disposing of military appropriation bills in any such time as that. As a matter of fact, it took 7 weeks last year to dispose of the military appropriation bills, and I approve of that. It should take a long time. We are dealing with a lot of money. I favor the legislation, but I would like to know what is in it.

Mr. PELL. I can at least assure the Senator that it will go over until tomorrow.

Mr. BYRD of Virginia. I appreciate that. However, that is not much assurance.

I am speaking seriously, not just on this legislation, but on all appropriation bills. This country is in a dreadful condition financially. Many of my colleagues will not agree with me on that, but I am entitled to my opinion on that, and I am going to state it. This country is in a dreadful condition financially.

For the fiscal year ending this past June, there was the largest Federal funds deficit since World War II—$30 billion.

In the year we are in now, the administration estimates that there will be another $30 billion deficit. Congress is just as much to blame as the administration, and vice versa.

I do not find very much concern on the part of either Congress or the administration in putting the Government's financial house in order. I want to raise my voice as one Senator and urge that we do not go so fast in handling the taxpayers' money. There is $18 billion contained in this bill. I am probably in favor of most of it. I do not know. What I do know is that there are 575 pages in the report that has just been laid on our desks late this afternoon after the Senate had been in session all day long. Then we will have a vote on it tomorrow, I assume. If that is the way to handle the taxpayers' money and a good way to run the Government, it escapes me. However, it is not the fault of the Senator from Rhode Island and I am not blaming anyone at all. But I just want to express the view of one lowly Member of the Senate.

I just hate to see us take these gigantic sums of money and appropriate or authorize vast sums of money that can only come out of the pockets of the taxpayers, out of the pockets of the wage earners. That is where the money is coming from.

We talk on the floor about wanting to help the little man. Certainly I do. We say that we want to help the individual citizen. Certainly I do.

The best way to help him is to get the Government spending under control.

I submit that we are not doing it by bringing in a great big bill, the report on which consists of 575 pages without the individual views of various members of the committee, and then expect us to vote on it in a matter of a few hours.

I thank the Senator from Rhode Island.

AMENDMENT NO. 337

Mr. HUMPHREY. Mr. President, I call up my amendment No. 337, which is at the desk. I ask unanimous consent that the amendment not be read but that its text be printed in the RECORD.

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

The text of amendment No. 337 is as follows:

At the appropriate place in the bill insert the following new section:

"SEC. . (a) Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

" 'PART C—INTERNS FOR POLITICAL LEADERSHIP

" 'PROGRAM AUTHORIZED

" 'SEC. 931. The Commissioner is authorized to plan, develop, and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at all levels of government through internships in their offices. Such internship program shall be carried out through arrangements with such nonprofit agencies as are appropriate, with institutions of higher education, and with State and local governments. Under such program the interns, who are students in their third and fourth years of study at any institution of higher education will be assigned duties in offices of State and local elected officials, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns. Such internship program shall also provide opportunities for students who have participated in the internship program at State and local levels to become interns in the offices of Members of Congress, who wish to participate, for up to three months during the first year following the receipt of their bachelor's degree.

" 'SELECTION OF STUDENTS FOR PARTICIPATION

" 'SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected from among students whose names are proposed by participating institutions of higher education. Internships shall be distributed among the States so that insofar as practicable the number for each State bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

" 'FEDERAL SHARE

" 'SEC. 933. The Federal share of the cost of carrying out the program provided for in this part may not exceed 50 per centum.

" 'ADMINISTRATION

" 'SEC. 934. The Commissioner shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by the Commissioner.

" 'APPROPRIATIONS AUTHORIZED

" 'SEC. 935. There is authorized to be appropriated to carry out this part the sum of $10,000,000 for the fiscal year 1973 and for each of the two succeeding fiscal years.

" 'DEFINITION

" 'SEC. 936. For the purpose of this part, the term "State" as used in this part means the fifty States, Puerto Rico, and the District of Columbia. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the Resident Commissioner for Puerto Rico and the Delegate from the District of Columbia shall be considered Members of Congress, and interns in the offices of Members of Congress shall be

attributed to the State of the Member in whose office they are serving.'

"(b) The amendment made by subsection (a) shall be effective after June 30, 1972."

Renumber the succeeding sections in title I accordingly.

Mr. HUMPHREY. Mr. President, I yield myself 5 minutes. I have discussed the amendment with the manager of the bill, the distinguished Senator from Rhode Island (Mr. PELL), and also with the ranking member of the committee, the distinguished Senator from New York (Mr. JAVITS). It is an amendment which, I believe, fits very well into the total program of higher education. It relates to giving our students an opportunity for internship at the State and local government levels, and ultimately at the Federal Government level.

The amendment would provide grants on the part of the Federal Government in cooperation with the State and local governments on a 50–50 basis. The program would be administered by the Commissioner of Education, who would set standards and criteria for the entrance of prospective candidates.

The program has already had a trial run. It is sponsored by two foundations. It has been working very well. The report on its operations shows that it has tremendous possibilities for a great expansion of educational opportunity for our young people.

Amendment No. 337, the Interns for Political Leadership Act, amends title IX of the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government. This amendment is a revision of S. 1410, introduced on March 30, 1971, and cosponsored by Senators HART, MONDALE, MUSKIE, GRAVEL, MATHIAS, PERCY, and STEVENS.

Under this program, highly qualified and motivated students interested in a political career would be offered the opportunity, with academic credit, to learn how the political system works at first hand and at the same time to evaluate and develop their leadership potential through involvement in the policymaking process. In general, they would serve as professional assistants to elected officials. The strong merit of this program has already been established under a privately sponsored pilot project operated since last year at seven colleges in four States, with some 50 students working under city elected officials.

Operated by the Commissioner of Education through arrangements with appropriate nonprofit agencies, institutions of higher education, and State and local governments, the internship program would assign selected college students in third and fourth years of study to research and public service operations duties in the offices of State and local elected officials. This work experience would be coordinated with the ongoing educational programs, including evaluation and guidance seminars, of the persons selected. It is expected that this program will also provide important incentives for the direct interchange of insights and experiences between students, political science professors, and those serving in elected office.

Students who have participated in the internship program at State and local levels would be offered opportunities to become interns in the offices of those Members of Congress who wish to participate in the program. Experience has shown the great need in congressional offices for intern competence and training that can be immediately utilized.

Intern nominations would be proposed by participating institutions of higher education, with internships distributed among the States on the basis of the ratio a State's congressional delegation bears to the total number of Members of Congress. Provision is made for the inclusion of Puerto Rico and the District of Columbia in this program.

The program would be financed by 50 percent Federal matching grants for the stipends of State and local interns, with 100 percent Federal financing of the costs for interns serving in the office of Members of Congress. Appropriations are authorized at a level of $10,000,000 for fiscal 1973–75.

It is anticipated that in the first year about 1,000 college students would participate in this program.

I have discussed this amendment with the Senator from Rhode Island and the Senator from New York. I do not seek to take the time of the Senate, but I should like to ask the Senator from Rhode Island for his comments.

Mr. PELL. Mr. President, I have discussed the amendment with the Senator from Minnesota. We have studied the amendment. I remember first talking about this concept with Dr. Edgar Berman. I am aware of the interest of the Senator from Minnesota in his amendment. It seems valid and good.

If the ranking minority member of the committee bears with me, I would suggest that we accept the amendment and take it to conference.

Mr. JAVITS. Mr. President, I am very sympathetic to this amendment which the Senator from Minnesota (Mr. HUMPHREY) has discussed with me, and I am very sympathetic to the program.

I would like to have somewhat of an understanding with the Senator from Minnesota on this matter. I think the administration should have a full opportunity to take a look at this program. Therefore, I hope it will be understood that a motion to reconsider agreement to the amendment will not be made tonight. I would like to have a look at it. We can agree to the amendment and I have little doubt that it will be agreed to.

Second, I want it understood that in conference we will deal with these 2 aspects of the amendment, because it will probably be here and not the other body: One will be the fact that technically it is locked into the educational process in connection with supervision and return of the intern to the institution, so we are not authorizing a congressional or State government internship program. We are authorizing a study program; that is, a program for studies in government, part of which is work and a part of which is study.

Mr. HUMPHREY. It is not for college credit. It is the practical aspect of education, as related to social science.

Mr. JAVITS. And the control would be in the institution.

Mr. HUMPHREY. Under the institution of higher education.

Mr. JAVITS. The second thing to be considered is quantity. The Senator estimated there would be 1,000 students involved. We want to check this.

But subject to those caveats, I think the Senator will be agreeable—because I think I read his mind on this matter—to accept that gentleman's understanding, as it were.

Mr. HUMPHREY. Yes; and to accept the amendment on that ground.

Mr. JAVITS. I thank the Senator.

Mr. HUMPHREY. Mr. President, may I say respectfully that the analysis of the bill by the Office of the Comptroller has been taken care of in the amendment. We had an original bill. That bill was withdrawn and an amendment to S. 659 was prepared.

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

Mr. HUMPHREY. Mr. President, I yield myself 1 additional minute.

The point raised in the letter from the administration, which is included in the RECORD, had been covered in this particular amendment.

With the understanding the Senator from New York has given me, I fully accede to that request because I am confident there will be no difficulty whatever.

This same measure has been introduced by the chairman of the subcommittee in the House and there has been sponsorship, as it were.

Nothing would please me more than to have the Senator from New York as a cosponsor.

Mr. JAVITS. I thank the Senator.

Mr. HUMPHREY. Mr. President, I move that the amendment be agreed to.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HUMPHREY. I yield back my time.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRANSTON. Mr. President, the higher education amendments now being considered contain an important section providing for the development of a consumer education program. I introduce this section because of the current inadequacy of Federal aid to provide consumer education.

The consumer today is confronted by a plethora of goods. We live in a society which is more affluent than any other in history. The average supermarket stocks from 8,000 to 10,000 separate products. Ten years ago, the average supermarket stocked less than 3,000 products. The marketplace has developed to an unbelievable level. The proliferation of goods and services; the variety, the quantity, the range of quality—all reflect the technology of our modern world. Given the complexity of the market, the consumer needs both protection and education.

In the past decade, the Congress has enacted a variety of measures to help protect the consumer—truth-in-packaging, truth-in-lending, and the Federal Highway Act exemplify the recent trend to provide the consumer with needed information. There is currently legislation pending to provide truth-in-advertising, detailed information on the durability of automobiles and the effectiveness of drugs.

The Federal Government now spends more than $200 million annually for the protection of consumers—$25 million in lawsuits alone.

There is no question that we need additional protection and assistance for the consumer, and this is available through the legislative process. Much has been done, but we cannot legislate everything, and we should not legislate everything. Along with the legislative effort, we must have, and personally I believe this is most critical, education of the individual to his consumer role. This education will provide an important ounce of prevention instead of the more expensive pound of cure. Educated consumers will be less likely to make errors which have led to the abundance of consumer disputes in our courts.

The need for consumer education courses in addition to protection for the consumer was also highlighted in the comments of the Consumers Union on the pending legislation:

For example, the Consumer Credit Protection Act of 1968 which has been accompanied by some educational and informational activities on the part of the Federal Reserve Board and the Federal Trade Commission has been much more effective than the Fair Packaging and Labeling Act of 1966. Admittedly, neither is a panacea and, the latter is inherently the weaker piece of legislation. But the lack of any educational effort and other negative elements has resulted in minimal impact on the marketplace and consumers. The studies which have examined various local unit pricing experiments also demonstrate that the usefulness of this information is directly related to educational level or specific education on the way to use unit pricing. Usage is restricted due to ingrained habits and attitudes as well as lack of information. But where an effort to inform has been made, poor consumers as well as suburban housewives have altered their pattern of supermarket behavior to take advantage of the aid being offered.

The need for consumer education has been broadly recognized. President Nixon in his consumer message of February this year stressed the importance of consumer education. He said:

Consumer education is an integral part of consumer protection. It is vital if the consumer is to be able to make wise judgments in the marketplace. To enable him or her to do this will require a true educational process beginning in childhood and continuing on.

The President went on to direct the Secretary of Health, Education, and Welfare to—and I quote:

Work with the nation's education system to (1) promote the establishment of consumer education as a national education concern; (2) provide technical assistance in the development of programs; (3) encourage teacher training in consumer education; and (4) solicit the use of all school and public libraries as consumer information centers.

The current Federal program to assist States develop consumer education programs is however totally inadequate. Federal aid is currently limited to providing consumer education in the context of home economics courses, but only 35 percent of high school girls and less than 1 percent of high school boys take such courses. Moreover, the consumer education aspects of home economics is narrowly limited to such things as nutrition and home budgeting.

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

This bill provides for the development of such general consumer courses and the training of teachers to teach them. It authorizes $80 million over the next 3 years for that purpose.

Mr. METCALF. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PELL). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 368, between lines 3 and 4, insert the following:

"'(b)(1)(A) The Director shall carry out a program of making grants to institutions of higher education and other nonprofit organizations, institutions, and agencies to assist them (i) in making studies and reports relating to Federal and State laws, regulations, decisions, and rulings affecting consumers; (ii) in making studies and reports relating to the needs of the consumer in the fields of energy, communication and transportation and the special problems of consumers in areas served by regulated industries (whether regulated by State or Federal agencies); (iii) in training persons for research relating to such studies and reports, and (iv) in development of curricula and programs of study in consumer interests in such fields.

"'(B) The Director is authorized to conduct such studies and make such reports relating to the activities set forth in paragraph (A) as he may deem appropriate, and to furnish such advice and technical assistance as may be appropriate, on request, to any State or local government, institution of higher education, or other nonprofit organizations for the purpose of establishing and carrying out any program of education in utility consumer interest within the scope of such activities."

On page 368, line 4, strike out "(b)(1)" and insert in lieu thereof "(2)".

Mr. METCALF. Mr. President, this is one of the amendments that I have time on under the unanimous-consent agreement.

The PRESIDING OFFICER. There is 1 hour on each side.

Mr. METCALF. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, before talking about the immediate amendment I wish to congratulate the Senator from Rhode Island, the Senator from New York, and members of the Subcommittee on Education for the outstanding legislation that has been introduced today. A couple of times during the debate already it has been suggested that this is landmark legislation. It truly is. Not since the Morrill Act more than a century ago has legislation as significant as this been introduced in Congress.

This is legislation that recognizes in this 20th century that perhaps 12 years of school is not adequate to train boys and girls to cope and compete in the modern world, and it is recognized everyone should have an opportunity to realize the American dream of equality of education.

I only wish I had been a part of the committee so that I would have been able to bring this kind of legislation to the Senate.

Mr. President, I again renew my congratulations. I will be proud to vote for the bill and to be a part of the Senate that participated in the enactment of such landmark legislation.

Mr. President, the amendment that I have submitted is an amendment that would provide for a special type of education in consumer areas. My amendment would restore to the bill the section dealing with grants by the Director of the Office of Consumers' Education, for studies relating to consumer needs in the fields of energy, communications, transportation, and other regulated industries.

This amendment simply restores to the bill subsection (b)(1) which appeared on page 333 of committee print No. 2, dated June 28, 1971. The amendment conforms with my bill S. 404, on which I testified before the Senate Education Subcommittee.

As the hearing record shows, there are practically no educational materials available in these important areas except for literature developed by the industries themselves or their close associates. That information is frequently false and misleading. In addition, important areas of concern, from the consumers' viewpoint, are neglected entirely.

Government consumer programs do not help the consumer in these areas. The Federal Power Commission, for example, plans to discontinue its one inexpensive consumer aid, the FPC News Digest. Chairman Nassikas said that this discontinuance of inexpensive consumer information is part of the President's economy program.

As much as we all admire Mrs. Knauer, the President's consumer adviser, we must in candor recognize that her office does not meet consumer needs in this

area. We all complain about the impotence of regulatory agencies. Yet we spend millions of dollars on obscure research in the social science field, administered by the Department of Defense, without having any program of independent research, by universities and nonprofit groups, into some of the biggest items in a consumers' budget—his utility bill, his insurance payments, his transportation costs, his banking arrangements.

Unless the Congress declares its intent that such areas will at least be subject to independent research, the consumer education programs authorized in this bill will not cover them because the huge corporations which dominate the regulatory process will dominate the Office of Consumer Education and channel it into other directions.

The amendment which I propose is supported by the National Education Association, the Consumers Federation of America, and Consumers Union. Originally the amendment was included in S. 607, the Utility Consumers' Information and Counsel Act, on which many days of hearings were conducted during the 91st Congress. This section received support from the chairman of the Federal Power Commission. From the spokesmen for the Federal Communication Committee, the American Gas Association, the Independent Telephone Association, and university professors.

Let me quote from the supporting testimony of one of the witnesses whom many of you know, the Honorable Charles Ross of Vermont.

Charlie Ross now lectures and consults on regulatory affairs. He spoke from a rich background as chairman of the Vermont Public Service Board and as a member of the Federal Power Commission.

The educational grant program is important, he said, because it would provide "some assistance to the universities, to lecturers, to people who want to make constructive criticisms of regulation, and would enable them to continue to do so without the necessity of seeking clients, either public or private power clients." The public, he said, "might thereby gain something in objectivity from these people."

Mr. President, when I started several years ago to familiarize myself with regulatory matters, I was appalled to find out that very little has been written on this subject in recent years, except for what has been prepared or endowed by the regulated industries.

Some of the questions propounded by the utility-endowed studies are as irrelevant to today's problems as was the ancient theologians' argument as to the number of angels which could stand on the head of a pin. On the other hand, literature is extremely scarce or nonexistent in the following relevant and important areas which readily come to mind:

First, beneficial ownership and control of energy companies.

Second, use of automatic data processing by regulatory commissions to obtain timely, detailed information on utility expenditures. Under the present primitive procedures, utilities have received literally hundreds of millions of dollars in annual rate increases based upon their 1969 data. We were well into 1971 before the Federal Power Commission and the Federal Communications Commission published their bare bones statistical comparisons for 1969. Commissions and opponents of rate increases were thus disadvantaged because they did not have comparative data when the rate increase requests were heard and decided.

Third, customer advance deposits and interest rate thereon. Courts have held that these deposits, totalling in the hundreds of millions of dollars, belong to the customers. Yet in some States these deposits end up in the utility rate base. Interest paid is below the going rate, and some customers have encountered difficulty in obtaining refunds.

Fourth, flat rates, under which large users of our dwindling energy supplies would not, as at present, be rewarded by lower rates.

Fifth, differing State policies in allowing various items—ranging from deferred taxes to deposits from friendly banks—in the rate base, and the effect of this padding on rates charged customers.

Sixth, use of industry advisory committees to influence policy and Government officials.

Seventh. Allowance of advertising as an operating expense.

Eighth. Truth in advertising, and use of advertising to forestall divestiture, as in the case of Western Electric's advertising, extolling the alleged benefits of being part of the Bell system.

Ninth. The lack of adversary proceedings before regulatory commissions, who hear elaborate customer-financed presentations by utilities but who often receive little informed comment from the public, which does not have access, as the utilities do, to customer-supplied funds for use in rate cases.

Tenth. Policy among the various commissions regarding requirement of disclosure of the fundamental information upon which regulation should be based.

Eleventh. Recapture of hydroelectric projects by the Federal Government, or relicensing to other than the present licensee.

Twelfth. Savings that would be possible to low-income housing projects through use of master meters rather than individual meters.

Thirteenth. Policy and procedures in the different States for franchise renewal.

Fourteenth. State-by-State comparison of regulatory commission effectiveness. A nonprofit group recently made a study of the relative effectiveness of the various State legislatures. A similar regulatory commission comparison would be most instructive.

Fifteenth. Anticompetitive consequences of utility entry into real estate and other businesses. The list could go on and on.

Mr. President, my major point, which I could elaborate at length, is that materials for students about the real world of government-business relationships are in short supply. On the other hand, students are misled by some of the materials that are used in schools, as I documented in my testimony before the subcommittee. Before going into further detail I should like to inquire of the distinguished senior Senator from California (Mr. CRANSTON) and the distinguished chairman of the subcommittee (Mr. PELL) regarding the committee's intent in using the language which appears in this bill.

Is it the intent of the committee that studies and reports regarding consumer interests in regulatory agencies and regulated corporations be funded and encouraged through the Office of Consumer Education?

I will ask the Senator from California if he would wish to comment on that inquiry.

Mr. CRANSTON. Mr. President, I agree with the distinguished Senator from Montana (Mr. METCALF), first of all, on the leadership that the Senator from Rhode Island (Mr. PELL) has provided in handling this measure in the very expert way he has. We have here a very important bill, which will do a great deal, and we are all in debt to the Senator from Rhode Island.

I agree also with the Senator from Montana (Mr. METCALF) that it is of prime importance that we educate students about the operations of public utilities and the consumer's role in relation to these utilities.

Senator METCALF has zeroed in on a very important matter in his usual penetrating way, with his characteristic leadership, and most of all with his heart that causes him to be concerned for his fellow Americans who can use a holding hand.

The consumer education section envisioned by the consumer education provisions of this bill would include an educational program of the sort Senator METCALF desires. In order to be an educated consumer and an educated citizen, students should be taught how our regulatory agencies operate. They should know the difference between private and public power. They should understand how airline and telephone rates are made and what part they might play in that process. They should know about the different types of power resources, and the environmental and financial costs of developing each type. They should know how utilities licenses are granted. They should learn how to obtain information concerning disputes before regulatory agencies.

The need for education in the public utilities field is manifest. I receive numerous constituents' complaints about telephone, airline, and electrical rates. Citizens ask me how they might object to increased rates, how these utilities operate, and how the regulatory process works. A consumer education program should provide the answers to these questions. It should establish a basis for citizen participation in regulatory fields.

Senator METCALF has pointed out that almost all educational material about public utilities has been developed either by the utilities themselves or by the regulatory agencies. There has been practically no material developed by dis-

interested parties. This bill would provide funds to educational institutions to prepare such educational materials.

It is important to have educational material describing consumer problems prepared by disinterested parties. This is done in fields such as nutrition, consumer credit, and automobile maintenance. It should also be done in the public utilities area. Unfortunately, most consumer education courses contain no information about the citizens' role as consumer or the services provided by public utilities. That situation must be remedied.

The committee's report on this bill stresses the need and importance of providing consumer education in the public utilities field.

While I support the need for consumer utilities education, I am not sure that Senator METCALF's amendment is necessary. There have been objections raised by others to the Senator's amendment on the ground that it was not the Office of Education's function to make comprehensive studies of the operations of public utilities, the law and ordinances governing their operation or the functioning of regulatory agencies. These objectors have failed to understand Senator METCALF's true intentions.

He has made it clear that it has not been his purpose to have the Office of Education perform functions of regulatory agencies. He desired to have curricula developed showing the consumer how the regulatory process works and how public utilities operate. The development of such curricula is clearly within the scope of the Office of Education's functions and the intent of this bill; and all of us—and every utility consumer in America—is indebted to Senator METCALF for his leadership in this vital matter.

Mr. METCALF. Mr. President, I thank my friend from California. With his assurance that my proposals for consumer education in the utility area and in the area of the regulatory commissions is contained within the scope of this bill, I am convinced that the amendment I am proposing is a little too narrow and that the provisions of the bill are broader and wider and more comprehensive than what I have suggested. So with the assurance that the provisions of the bill include my suggestions that we should have some consumer education as to what happens in the regulatory commissions, I certainly thank the Senator and thank the chairman of the subcommittee for putting language in the bill that would take care of what my amendment provides.

Mr. President, I ask that my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CRANSTON. Mr. President, I thank the Senator, and assure him that we understand it in the same light.

Mr. METCALF. We may be back again if, within the scope of the provisions of the bill, it is not taken care of, but at least we have the necessary legislation.

The PRESIDING OFFICER (Mr. CRANSTON). Who yields time?

Mr. PELL. Mr. President, I also would like to join in assuring the Senator from Montana (Mr. METCALF) that I think his judgment is correct. Thanks to the senior Senator from California, we have in the bill an amendment on consumer education which is perhaps wider in scope than that of the Senator from Montana. From the viewpoint of the legislative history of the bill the committee reports speaks of this matter and includes this type of consumer education, as the Senator from Montana would wish.

Mr. METCALF. I thank the Senator from Rhode Island.

Mr. KENNEDY. Mr. President, I take pleasure in speaking in favor of the education amendments of 1971, S. 659, as reported by the Committee on Labor and Public Welfare. As a member of the Education Subcommittee and a cosponsor of the bill, I watched the development of this measure during hearings conducted both in the 91st Congress and in the current session. Much of the credit for what I believe to be landmark legislation in the field of higher education must go to the Education Subcommittee chairman, Senator PELL, for his continuing leadership in this area.

Mr. President, for too long, the Nation has denied access to post-secondary education to young men and women by placing financial barriers in their path. For too long, the level of a family's income has determined whether the children will obtain adequate education. For too long, we have had the resources to assure every qualified student an equal opportunity to training beyond high school, and for too long we have not directed our resources to that end.

Three years ago, the Carnegie Commission spotlighted the absence of equal educational opportunity in the United States. Their studies disclosed that while 19 of the 20 most able students from high-income families entered college, only 10 of the 20 top students from low-income families were able to afford the cost of a college education.

Today, the statistics are nearly as depressing. Commissioner of educatiton Sidney P. Marland, Jr. told the education Subcommittee earlier this year that a student from a family with an income of $15,000 is almost five times more likely to attend college than a student from a family with an annual income of $3,000. Those statistics document a failure within this land that cannot continue. No one, whether he be white or black, Indian or Mexican American, Catholic or Jew, should be denied the right to attain the limits of his ability because he cannot afford the cost of a college education.

I ask unanimous consent to insert at this point in the RECORD statistics provided by the Office of Education.

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

GENERAL ASSISTANCE TO HIGHER EDUCATION INSTITUTIONS BASED ON THE NUMBER OF FULL-TIME-EQUIVALENT STUDENTS ENROLLED BY INSTITUTIONS FOR THE UNITED STATES DISTRICT OF COLUMBIA, AND OUTLYING AREAS, FALL 1970

State and institution	Full-time equivalent enrollment					Total undergraduate full-time enrollment
	Non-degree credit	Extension	Degree credit: Lower division	Degree credit: Upper division	Degree credit: Graduate	
MASSACHUSETTS						
American International College	0	0	1,104	976	145	2,080
Amherst College	0	0	653	580	1	1,233
Andover Newton Theol. Sch	0	0	24	191	94	215
Anna Maria College, Women	0	0	280	299	0	579
Aquinas Junior College Bus. Main Cam	173	0	0	0	0	173
Aquinas Junior College Bus. at Newton	154	0	0	0	0	154
Assumption College	0	38	571	373	208	982
Atlantic Union College	70	0	279	278	0	627
Babson college	0	0	470	453	298	923
Bay Path Junior College	0	0	520	0	0	520
Bay State Junior College of Bus	240	0	0	0	0	240
Becker Junior College	0	0	422	0	0	422
Bentley College Acct—Fin	0	0	1,476	843	0	2,319
Berklee College of Music	625	0	369	100	0	1,094
Berkshire Christian College	0	0	84	43	0	127
Boston College	0	0	3,757	4,415	1,365	8,172
Boston Consv of Music	0	0	267	159	20	426
Boston University	0	61	8,339	8,455	3,495	16,855
Bradford Junior College	0	0	405	0	0	405
Brandeis University	27	0	1,092	1,063	725	2,182
Bryant-McIntosh Junior College	110	0	204	0	0	314
Bryant-Stratton Coml. Sch	0	0	1,559	0	0	1,556
Burdett College	0	0	426	0	0	429
Cambridge Junior College	0	0	149	0	0	149
Cardinal Cushing College	34	0	169	183	0	386
Chamberlayne Junior College	0	20	964	0	0	984
Clark University	0	314	963	729	343	2,006
College of the Holy Cross	0	0	1,362	1,072	6	2,434
College Our Lady of Elms	0	0	272	294	0	566
Curry College	0	0	582	278	0	860
Dean Junior College	103	46	799	0	0	948
Eastern Nazarene College	0	0	503	307	8	810
Emerson College	0	0	884	702	89	1,586
Emmanuel College	0	0	741	659	0	1,400
Endicott Junior College	0	0	836	0	0	836
Episcopal Theol. School	15	0	0	116	0	131
Fisher Junior College	0	0	340	0	0	340
Forsyth Sch Dentl Hygnsts	0	0	209	0	0	209
Franklin Inst of Boston	422	0	510	0	0	932
Garland Junior College	0	0	416	0	0	416
Gordon College	0	0	436	265	0	701
Gordon-Conwell Theol Sem	0	0	3	0	302	3
Grahm Junior College	124	0	1,123	0	0	1,247
Hampshire College	0	0	251	0	0	251
Harvard University	0	1,155	3,553	3,826	7,674	8,534
Hebrew College	0	0	45	38	10	83
Hellenic College	2	0	65	42	32	109
Lasell Junior College	0	0	917	0	0	917
Leicester Junior College	0	0	321	0	0	321
Lesley College	0	4	371	251	86	626

GENERAL ASSISTANCE TO HIGHER EDUCATION INSTITUTIONS BASED ON THE NUMBER OF FULL-TIME-EQUIVALENT STUDENTS ENROLLED BY INSTITUTIONS FOR THE UNITED STATES, DISTRICT OF COLUMBIA, AND OUTLYING AREAS, FALL 1970—Continued

State and institution	Full-time equivalent enrollment					Total undergraduate full-time enrollment
	Non-degree credit	Extension	Degree credit: Lower division	Degree credit: Upper division	Degree credit: Graduate	
MASSACHUSETTS—Continued						
Lowell Technological Institute	0	0	2,572	1,440	260	4,012
Massachusetts College of Optometry	0	0	0	200	0	200
Massachusetts College of Pharmacy	0	0	277	328	23	605
Berkshire Community College	315	15	921	0	0	1,251
Bristol Community College	1,081	0	913	0	0	1,994
Cape Cod Community College	216	0	982	0	0	1,198
Greenfield Community College	473	0	959	0	0	1,432
Holyoke Community College	503	239	1,801	0	0	2,543
Massachusetts Bay Community College	799	209	898	0	0	1,906
Massasoit Community College	636	266	906	0	0	1,808
Mt Wachusett Community College	574	67	612	0	0	1,253
Nthn Essex Community College	0	300	1,772	0	0	2,072
North Shore Community College	918	498	1,328	0	0	2,744
Quinsigamond Community College	1,007	279	642	0	0	1,928
Springfield Technical Community College	1,598	334	559	0	0	2,491
Mass Inst of Technology	0	0	1,947	2,121	3,422	4,068
Boston State College	0	201	3,263	2,181	927	5,645
Bridgewater State College	0	769	1,896	1,359	252	4,024
Fitchburg State College	0	267	1,406	1,217	187	2,890
Framingham State College	0	231	1,353	846	528	2,430
Lowell State College	0	0	1,040	839	145	1,879
Mass College of Art	0	81	549	262	0	892
Mass Maritime Academy	0	0	200	75	0	275
North Adams State College	0	0	860	486	152	1,346
Salem State College	0	388	2,484	1,863	449	4,735
Westfield State College	0	0	1,395	959	309	2,354
Worcester State College	0	25	1,753	1,002	325	2,780
Merrimack College	0	0	1,138	838	0	1,976
Mount Alvernia College	0	0	11	6	0	17
Mount Holyoke College	0	0	1,102	750	50	1,852
Mount Ida Junior College	166	0	333	0	0	499
New England Consv of Music	0	0	180	144	161	324
New England School of Law	0	0	0	226	0	226
Newton College Sacred Hrt	0	0	471	354	0	825
Newton Junior College	0	0	534	0	0	534
Nichols College Bus Adm	0	0	339	329	0	668
Northampton Junior College	0	0	522	0	0	522
Northeastern University	229	0	10,728	9,772	2,185	20,729
Oblate College and Seminary	0	0	31	14	0	45
Perry Normal School	0	0	126	90	0	216
Pine Manor Junior College	0	0	547	0	0	547
Quincy Junior College	0	0	1,080	0	0	1,080
Regina Coeli College	0	0	0	1	0	1
Regis College	0	0	426	447	0	873
Saint Hyacinth College-Seminary	0	0	24	28	0	52
Saint John's Seminary	0	0	82	228	0	310
Saint Stefhen's College	0	0	5	22	0	27
School of Museum Fine Arts	0	215	268	186	17	669
School Worcester Art Museum	0	0	96	0	0	96
Simmons College	0	0	814	750	381	1,564
Simon's Rock	0	0	74	0	0	74
Smith College	0	0	1,397	920	140	2,317
Sthestn Mass University	0	422	1,746	1,416	57	3,584
Springfield College	0	0	1,090	913	338	2,003
Stevens College	0	0	109	0	0	109
Stonehill College	0	0	698	831	0	1,529
Suffolk University	0	83	885	2,269	383	3,237
Swain School of Design	0	0	59	50	0	109
Tufts University	0	0	1,902	2,787	333	4,689
University of Massachusetts Amherst Campus	0	81	9,034	7,394	2,405	16,509
University of Massachusetts Boston campus	0	0	2,504	1,740	10	4,244
University of Massachusetts Medl Sch-Worcester	0	0	0	16	0	16
Wellesley College	0	9	993	753	20	1,755
Wentworth College Techn	0	0	0	112	0	112
Wentworth Institute	184	0	1,513	0	0	1,697
Western New England College	0	2	1,052	672	261	1,726
Wheaton College	0	0	702	441	0	1,143
Wheelock College	0	0	317	280	52	597
Williams College	0	0	707	659	22	1,366
Worcester Junior College	0	37	1,503	0	0	1,540
Worcester Poly Institute	0	0	1,141	651	271	1,792
State total	10,798	6,656	118,656	78,257	28,966	214,367
Public total	8,542	4,672	46,472	23,095	6,006	82,781
Private total	2,256	1,984	72,184	55,162	22,960	131,586
2 year total	9,796	2,310	28,741	90	0	40,937
Male total	184	0	4,178	2,446	7	6,808
Female total	767	13	12,189	6,198	677	19,167
Minority group total	0	0	0	0	0	0

Full-time enrollments (size)	Number of institutions			Full-time enrollment students in institutions		
	Total	Public	Private	Total	Public	Private
Under 1,000	64	5	59	26,551	2,649	23,902
1,000 to 1,999	28	11	17	43,134	17,075	26,059
2,000 to 2,999	15	8	7	36,675	20,304	15,341
3 000 to 3,999	2	1	1	6,821	3,584	3,237
4,000 to 4,999	6	4	2	25,772	17,015	8,757
5,000 to 5,999	1	1	0	5,645	5,645	0
6,000 to 6,999	0	0	0	0	0	0
7,000 to 7,999	0	0	0	0	0	0
8,000 to 8,999	2	0	2	16,706	0	16,706
9,000 to 9,999	0	0	0	0	0	0
10,000 and over	3	1	2	54,093	16,509	37,584
Total	121	31	90	214,367	82,781	131,586

The financial contribution of the educational and general account has declined markedly: The contribution of the educational and general category has decreased by $11.2 million in the last 3 years. The growth rates between 1965–66 and 1968–69 for each revenue and expenditure component in this category (presented in Table 7) suggest the key reason for this deterioration in the educational and general contribution. That is, each of the major educational and general expenditure items has grown faster than total educational and general revenues. In particular, instruction and departmental research expenditures, by far the largest expenditure component, have grown at 12.5 percent per year while tuition and fees, the chief revenue component, have grown at only 10.9 percent per year.

TABLE 7.—EDUCATIONAL AND GENERAL REVENUE AND EXPENDITURE TRENDS 1965–66 AND 1968–69

[Dollars in millions]

	1965–66	1968–69	Growth rate [1] (percent)
Revenue:			
Tuition and fees	$168	$230	10.9
Endowment income	39	50	8.4
Gifts and grants	40	58	12.8
Other	13	17	12.2
Total revenues	260	355	10.9
Expenditures:			
Instruction and departmental research	128	182	12.5
Library	15	23	16.0
Plant maintenance and operation	36	50	11.7
General, administrative, and student services	55	80	13.4
Other	10	15	14.5
Total expenditures	244	350	12.8
Net contribution	16	5	

[1] Annual compound growth rate over the 3-year period.

Source: Survey ("Report on the Select Committee for the Study of Financial Problems of Private Institutions of Higher Education in the Commonwealth of Massachusetts, January 1970).

Mr. KENNEDY. Mr. President, it is not only the students who are suffering from a lack of adequate financing. The mounting enrollments of the past two decades and the decline in both private and government expenditures have combined to force the Nation's colleges and universities to the financial wall.

Enrollment this fall in institutions of higher education is estimated to hit 8,700,000. That is nearly 60 percent higher than in 1965. At the same time, the American Council on Education reported in June that Federal support to colleges and universities declined by $227 million between 1969 and 1970 to the lowest level since 1966. Rising inflation combined with these and other factors produced a gloomy forecast for the future of the Nation's colleges and universities.

A Carnegie Commission study a year ago underlined the extent of the financial crisis when it found that 60 percent of the 2,340 institutions of higher education in the Nation were either heading for financial trouble or already deep in the red. The study preface by Dr. Clark

Kerr, Carnegie chairman and former University of California president, noted:

It is clear that institutions of higher education will not be in a position to meet their responsibilities in the 1970's and subsequent decades if their financial status continues to deteriorate.

Among the Nation's colleges, it was the small private college which was faring the poorest. In my own State of Massachusetts, the serious implications of this situation are readily understood when one recognizes that more than half of the 215,000 full-time undergraduates were enrolled in private schools. The financial failure of the small private colleges would place an impossible burden on the public colleges and universities in the State.

Thus, a select committee on the financial problems of Massachusetts private higher education reported last year that—

Without substantial increases in revenues or curtailment of educational programs, the private institutions in Massachusetts could face deficits of $50 million by 1975–76 and perhaps two to three times that amount by 1980–81.

I ask unanimous consent to insert a table showing the enrollment of students in Massachusetts colleges and universities and a table showing the increase in expenditures at Massachusetts private colleges.

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

TABLE I.—ESTIMATED NUMBER, AND ENROLLMENT, OF INSTITUTIONS OF HIGHER EDUCATION, BY FINANCIAL STATUS, UNITED STATES, SPRING 1970

Institutions by control and type	All institutions	Not in financial trouble	Headed for financial trouble	In financial difficulty
Total institutions: [1]				
Number	2,340	905	1,000	435
Percent	100	39	42	19
Total enrollment:				
Number (in thousands)	7,265	1,570	3,940	1,755
Percent	100	22	54	24
Public institutions:				
Number	1,170	580	500	90
Percent	100	50	43	7
Enrollment—public:				
Number (in thousands)	5,300	1,330	3,150	850
Percent	100	25	59	16
Private institutions:				
Number	1,170	325	500	345
Percent	100	28	42	30
Enrollment—private:				
Number (in thousands)	1,935	240	790	905
Percent	100	12	41	47
Universities:				
Number	165	30	85	50
Percent	100	19	51	30
Enrollment—universities:				
Number (in thousands)	2,380	450	1,470	460
Percent	100	19	62	19
Liberal arts colleges:				
Number	730	210	310	210
Percent	100	29	4	28
Enrollment—liberal arts colleges:				
Number (in thousands)	770	710	400	200
Percent	100	22	53	25

[1] Total includes comprehensive colleges and 2-year colleges, but data for these types of institutions are not shown separately, since there were relatively few of these institutions in the study sample; total excludes specialized institutions of higher education, which were not included in the study. All numbers have been rounded, because precise numbers are not statistically significant.

Source: Carnegie Commission on Higher Education staff.
From: The New Depression in Higher Education, Earl Cheity.

Mr. KENNEDY. It is against those overwhelming needs in our higher education system that the bill now before us has been gaged. It is to these needs, that we are seeking to respond. Mr. President, I believe that Senators will find that this bill takes major strides forward in meeting the Nation's educational needs.

STUDENT ASSISTANCE

Perhaps the major thrust of the legislation is to establish as the policy of the Federal Government the basic right of every qualified high school student to further education, whether in accredited community colleges, 4-year universities, or vocational training centers.

I have long endorsed the concept of a Federal "educational entitlement," equivalent to the GI bill of rights, which would assure every high school graduate the financial resources to enter postsecondary schools. In April 1969, I introduced a higher education bill of rights along with several of my colleagues which incorporated the recommendations of the Carnegie Commission on Higher Education. Those recommendations called for basic opportunity grants and supplementary assistance to those with greatest financial need.

The bill now before us, which the Senator from Rhode Island has in large part authored, has refined those elements and hopefully insured their enactment.

Under this bill, a basic opportunity grant of $1,400, less the family contribution, would go directly to each student enrolled at an accredited institution—whether liberal arts or vocational—as long as it was not more than 50 percent of the total cost of attendance, including tuition, room and board, books, fees, and so forth.

Under the estimates currently provided by the Office of Education, students from families of up to $10,000 with two children would receive $300 per year under this formula. A student from a family of two children earning less than $5,000 would receive the full $1,400 under this formula. I think the committee has taken into account the financial pressures that affect not only the poor but lower middle class as well. In this way, at least some relief is given to the family that is faced with the largest tax burden and which is hit hardest by inflation.

This measure seeks to authorize whatever funds are needed to provide a basic grant to every qualified student. This, hopefully, will be fully funded each year in the appropriations process, thus permitting students to plan their education, knowing they will receive at least a modicum of assistance.

In addition to the basic grant program, which will reach 1,800,000 full-time students, the bill provides supplementary educational opportunity grants which are identical to the current EOG program. In fiscal year 1971 some 290,200 students received assistance under this program. This year, the $7 million increase to $175 million means that additional students will be assisted.

The supplemental grant will be awarded to students who are receiving a basic grant but who are attending schools where the basic grant is insufficient to meet their costs of attendance. Also, this program will permit the Secretary to direct a portion of the supplemental grant program to exceptional students who come from borderline families, families which cannot qualify for the basic grant but who still require financial assistance to send children to college. Under the proposed $200 million authorization, Massachusetts will be allocated $7.2 million for this program.

In addition to these programs of student assistance, which are authorized through 1975, the college work-study program, the guaranteed student loan program and the National Defense Education Act—NDEA—loans also are extended for an equal period of time. Also, the bill recognizes the liquidity difficulties which have restricted the number of loans that banks have been willing to make and establishes authority for the creation of a secondary loan market to provide additional sources of capital.

In an effort to stimulate State scholarships programs, $50 million is authorized to match any increases in State grants to students. Under this program, it is estimated that Massachusetts will receive an additional $1.7 million in matching funds. Also, the bill authorizes a new program of Federal fellowships to graduate students in teaching, ecology, public service, foreign languages, mineral resources as well as those graduate students from disadvantaged backgrounds who will be working in fields to which their backgrounds are particularly relevant. The new program will authorize 13,200 scholarships in 1973, 19,200 in 1974, and 25,200 in 1975.

Under the current bill, the existing Talent Search and Upward Bound programs are extended. Their authorization along with special services for the disadvantaged is increased to $100 million, double the total for last year. These programs also will be bolstered by the establishment of educational opportunity centers in poverty areas to aid in re-

cruiting the disadvantaged for higher education.

These programs of student assistance are designed to offer a broad spectrum of aid that will fulfill the overriding responsibility of the Nation to assure that no one is denied access to higher education because of inadequate financial resources.

COMMUNITY COLLEGES

At this point, I think it is important to mention another innovation of the current legislation which will combine with the student assistance provisions to open access to post-secondary education.

During the past decade, there has been a fourfold increase in the number of students enrolled in 2-year community colleges. The enrollment pressure has continued to increase with each passing year. By 1980, the estimates are that some 230 to 280 community colleges will be needed.

I believe that the chairman of the full committee, the Senator from New Jersey (Mr. WILLIAMS) deserves credit for introducing legislation to expand the community college system, legislation which I cosponsored, and legislation which is now part of the pending measure.

This measure will make it the policy of the Federal Government to expand the community college system so that "every American will have an adequate opportunity to attend a community college within a reasonable commuting distance of his residence." Some $250 million are authorized over the next 3 years to establish new colleges, to expand existing colleges to provide comprehensive educational programs and to lease facilities for those purposes. Massachusetts will receive an estimated $17 million over the same 3-year period for this purpose. Also, the bill will require statewide studies to pinpoint areas where new community colleges must be built and where existing colleges require the expansion of their programs and facilities not only to meet the needs of students with different career goals but also to meet the special needs of minority and bilingual students as well as the needs of all community residents for continuing education.

INSTITUTIONAL ASSISTANCE

In addition to the direct assistance to community colleges, the bill recognizes the emergency nature of the financial crisis that many colleges face. For that reason, $150 million is authorized for emergency interim grants to those colleges which would either cease to operate or be forced to cut their programs drastically without this assistance.

For the first time, S. 659 provides direct Federal payments to colleges and universities to help defray the rising costs of instruction. Under the formula provided in the bill, colleges will receive from $100 to $500 for each student who is receiving some Federal assistance. In this way, colleges will be offered a stimulus to attract lower income students. Also, to balance the need of small private colleges, which are facing the greatest financial difficulties, the smaller schools will receive $500 and larger schools will receive $100 per student.

For those small colleges, particularly black colleges in the south, the bill provides a special $100 million authorization to enable them to meet the needs of their heavily low-income student populations. These schools face the stiffest competition for the educational dollar in this decade. If they are to survive, they "need to overcome the cumulative effects of underfinancing that characterizes their history," as a recent special report of the Carnegie Commission noted.

The bill also continues and expands the grants and loans to colleges and universities for the construction of academic facilities. These programs are vital if universities are to meet the increased enrollment projected for this decade.

EDUCATION PROFESSIONS DEVELOPMENT

The teacher corps is continued and given new independence within the Office of Education and the efforts to recruit and train teachers for elementary, secondary, vocational and higher education are expanded. In addition, new provisions are included to improve the education of disadvantaged and bilingual children through retraining teachers, employing high school and college students as tutors and improving teacher training programs. In committee, my amendment to focus greater attention on the use of these programs for the needs of bilingual children was adopted.

VOCATIONAL EDUCATION

The committee has recognized the need for forcing the Office of Education to concentrate more of its efforts on improving vocational education. Thus, within the Office of Education, a separate Bureau of Occupational and Adult Education is established which is responsible for administering all of the Nation's vocational education programs. At the same time, these vocational education programs are extended for a year and the new Bureau Director is directed to undertake a study of the results and accomplishments of the existing programs to permit a full evaluation and more responsive legislation in the next session of the Congress.

INDIAN EDUCATION

As a vital first step in responding to the educational requirements of the Nation's Indians, the amendment I introduced to expand our Indian education programs has been incorporated in this bill. It reflects the year-long hearings conducted by the Special Subcommittee on Indian Education in 1968. The bill establishes three new programs: First, to assist local educational agencies in meeting the special needs of Indian students and in maintaining and operating their schools; second, to provide funds for special programs and projects to improve Indian educational opportunities; and, third, to support the improvement of adult Indian education.

These programs will do much to meet the long deferred responsibilities of the Nation to its Indian population.

DIVISION OF EDUCATION

The bill insures that there will be a single Federal agency headed by a commissioner who is the spokesman for Federal education policies. To accomplish this purpose, the committee establishes a division of education with the Department of Health, Education, and Welfare, including the present Office of Education, a new National Foundation for Postsecondary Education and a new National Institute of Education.

The function of the foundation will be to examine the Nation's postsecondary education system—its junior colleges, community colleges, universities, private colleges, vocational schools, proprietary schools—and promote excellence, innovation and reform. In addition to curricular change, the foundation also will focus on the design of new educational structures. As noted in the committee report, it is time that new educational models were encouraged and promoted. We know that our educational institutions will fail in their purpose if they remain rigid and wedded to traditional methods. Through grants and contracts, the foundaton is authorized to stimulate new ideas, new methods and new programs.

As a separate and co-equal branch within the new division of education, a semi-independent National Institute of Education will be established to coordinate all educational research, both basic and applied. The institute will appoint interdisciplinary teams where necessary to mount cross-the-board inquiry into the problems of learning, the effects of education, and the ways to measure educational output.

I believe that this bill, in its new programs of student assistance, its attempt to meet the financial crisis in higher education and its efforts to promote innovation and challenge within the educational system presents to the Nation a program for educational excellence and I strongly urge its passage.

Mr. WILLIAMS. Mr. President, we are today considering a historic piece of legislation which provides new directions in the Federal effort to increase educational opportunities in the United States. It represents the most far-reaching and significant education program ever developed and approved by a congressional committee and provides us with the opportunity to enact a program which will insure the excellence of American higher education.

This bill, the Education Amendments of 1971 is designed to be an omnibus education law through which the 92d Congress will deal with education programs which expire in 1971 and 1972. The programs for which authorizations expired on June 30, 1971, are those authorized by—

First, the Higher Education Act of 1965;

Second, the Higher Education Facilities Act of 1963;

Third, the National Defense Education Act of 1958; and

Fourth, the International Education Act of 1966.

The authorizations which expire on June 30, 1972, are—

First, those in the Vocational Education Act of 1963—with the exception of the permanent authorization for parts B and C; and

Second, those special authorizations in the Elementary and Secondary Educa-

tion Act of 1965 providing special programs for Indian children.

Title I of this bill addresses itself to the higher education programs which have expired; title II of the bill deals with vocational education; title III concerns itself with the organizational structure of agencies administering Federal education programs and responds to a widespread interest in the creation of a National Foundation for Postsecondary Education and a National Institute of Education; title IV deals with Indian education; and title V contains miscellaneous provisions which affect education generally or which do not properly fall within the other categories.

In brief summary, S. 659, as reported from the Labor and Public Welfare Committee, contains the following provisions:

TITLE I—HIGHER EDUCATION

This title amends, revises, and extends the Higher Education Act of 1965. Portions of the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966 are incorporated into the Higher Education Act of 1965 with the result that, if enacted, the Higher Education Act of 1965 would constitute a single Federal law which includes all continuing higher education financial assistance programs. In general, unless otherwise specified, title I extends the authorizations for higher education programs for 4 years, through fiscal years 1975, at the same level as those for fiscal year 1971.

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

This part amends title I of the Higher Education Act of 1965. Such title I authorizes grants to States for assistance to institutions of higher education to enable them to help solve community problems through community service programs and continuing education programs. It is proposed that—

First. Title I be amended to authorize a reservation of appropriations for special projects designed to meet national and regional problems;

Second. Title I be amended to authorize a special appropriation for projects designed to meet urban problems in standard metropolitan statistical areas;

Third. The Commissioner be required to conduct a special evaluation of title I and submit reports to the Congress on such evaluations.

PART B—COLLEGE LIBRARY PROGRAMS

This part amends title II of the Higher Education Act of 1965. Such title II authorizes—

First, grants to institutions of higher education for the acquisition of college library resources;

Second, grants and contracts for research and training in librarianship; and

Third, funds for the Library of Congress for cataloging of library materials and distribution of cataloging information.

The amendments made by part B—

First, reorganize the authorizations of appropriations by providing for a single authorization for parts A and B of title II and a percentage division of the appropriation for specific purposes;

Second, authorize the Commissioner to waive maintenance of effort requirements for grants for the acquisition of library resources;

Third, increase the maximum amounts for supplemental grants;

Fourth, require an annual evaluation of the program operation by the Library of Congress.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

This part, first, amends title III of the Higher Education Act of 1965, and second, contains a special authorization of appropriations for emergency interim assistance to institutions of higher education which are in serious financial distress.

Such title III of the Higher Education Act of 1965 authorizes grants to developing institutions of higher education to enable them to strengthen their academic and administrative capacities. Part C revises such title III to improve the program of strengthening developing institutions and increase emphasis on institutions which serve a significant proportion of students who come from disadvantaged backgrounds.

PART D—STUDENT ASSISTANCE

This part amends present law as it relates to financial assistance to students in institutions of higher education. The amendments made by this part—

First, revise part A of title IV of the Higher Education Act of 1965 to authorize—

First, a basic educational opportunity grant of $1,400 for any student minus the amount his or her family can reasonably be expected to contribute for his or her postsecondary education;

Second, supplementary grants for students of ability who are in exceptional financial need and who would be unable to receive the benefits of a postsecondary education without such a grant;

Third, matching grants to States to encourage the development and expansion of State scholarship programs;

Fourth, special services to encourage disadvantaged students to complete secondary school and to enter programs of postsecondary education;

Fifth, cost-of-instruction allowance payments to institutions of higher education at which basic grant recipients are in attendance;

Second, modify the insured student loan program—

First, by permitting an increase in the maximum amount of student loan in exceptional cases, and

Second, by authorizing the Commissioner to audit eligible institutions, to set reasonable standards of financial responsibility for such institutions, and suspend or terminate their eligibility;

Third, create a Student Loan Marketing Association for warehousing student loans and in order to create a secondary market for such loans;

Fourth, modify the determination of need under the college work-study program by requiring that the actual cost of attendance at the institution be taken into consideration;

Fifth, transfer the provisions for direct student loans under title II of the National Defense Education Act of 1958 to title IV of the Higher Education Act of 1965, with minor modifications; and

Sixth, require an affidavit by students stating student assistance funds received by the student will be used for education-related purposes.

Part D also requires the Secretary of Health, Education, and Welfare to conduct a study of financing postsecondary education.

PART E—EDUCATION PROFESSIONS DEVELOPMENT ACT

This part amends title V of the Higher Education Act of 1965, the Education Professions Development Act. The Education Professions Development Act authorizes the Teacher Corps and a variety of programs designed to improve the quality of teaching in elementary and secondary schools, vocational education programs, and in institutions of higher education. The amendments made by part E—

First, combine the seven authorizations under the Education Professions Development Act into a single authorization with minimum percentage division for the use of appropriations;

Second, clarify the status of the Teacher Corps; and

Third, together with minor and technical amendments, expand the scope of the training programs authorized by the Education Professions Development Act.

PART F—INSTRUCTIONAL EQUIPMENT

This part extends title VI of the Higher Education Act of 1965. Such title VI authorizes financial assistance to institutions of higher education for the improvement of undergraduate instruction. Funds may be used for the acquisition of instructional equipment and closed-circuit television equipment.

PART G—ACADEMIC FACILITIES

This part transfers the provisions of the Higher Education Facilities Act of 1963 to title VII of the Higher Education Act of 1965 with modifications and authorization for mortgage insurance on facilities.

PART H—NETWORKS FOR KNOWLEDGE

This part amends and extends title VIII of the Higher Education Act of 1965. Such title VIII encourages cooperative arrangements among institutions of higher education for the joint use of facilities and resources to form networks for knowledge. The amendments make clear that law schools are to be included.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

This part creates two new titles IX and X, in lieu of the present titles IX and X of the Higher Education Act of 1965. The new title IX—

First, in part A, combines a number of present graduate programs into a single program of assistance to strengthen graduate schools;

Second, in part B, combines various fellowship programs into a broad program of Federal fellowships.

The new title X provides for statewide studies of postsecondary educational opportunities through community colleges and authorizes grants for—

First, the establishment of new community colleges;

Second, the expansion of present community colleges;

Third, the lease of facilities.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

This part extends and makes minor changes in the program to encourage law schools to provide clinical experience in the law.

TITLE II—VOCATIONAL EDUCATION

This title extends for 1 year those authorizations for appropriations for programs under the Vocational Education Act of 1963 which expire June 30, 1972. The Vocational Education Act of 1963 is also amended—

First, to clarify the definition of vocational education, with respect to industrial arts, and to include volunteer firemen; and

Second, to create, within the Office of Education, a Bureau of Occupational, Career, and Adult Education.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

This title establishes an Education Division within the Department of Health, Education, and Welfare which is headed by the Commissioner of Education. The Education Division is made up of the present Office of Education and the newly created National Foundation for postsecondary Education and the newly-created National Institute of Education.

TITLE IV—INDIAN EDUCATION

TITLE V—MISCELLANEOUS

This section—

First, provides for uniform application requirements;

Second, extends title III of the National Defense Education Act of 1958 for 4 years;

Third, requires a study of and report on regulations of the Office of Education;

Fourth, amends the Elementary and Secondary Education Act of 1965, authorizing an ethnic studies centers program;

Fifth, establishes a consumers' education program;

Sixth, makes the University of Guam and the College of the Virgin Islands land-grant colleges;

Seventh, amends title I of the Elementary and Secondary Education Act of 1965 with respect to migrant children.

Mr. President, it is clear from this short description that this is a most complex bill and has required days upon days of hearings during this and the last Congress. It has taken countless hours of the Senators and staff of the Labor and Public Welfare Committee to sift through all of the proposals to deal with the needs of American higher education and to weigh all of the considerations necessary to produce the final product before us today.

I could, of course, speak at great length about each of the provisions of this bill. Every change in existing law has been fashioned to substantially improve on current programs and to eliminate abuses and duplications which have come to our attention. But there are three new initiatives which are of utmost importance to the future of higher education in the United States and which deserve special attention.

The student assistance programs which we have enacted since 1958 have gone far in opening the doors to higher education to a large segment of our society. National defense student loans, the guaranteed student loan program, educational opportunity grants, and the work-study program have been a vital part of our commitment to postsecondary education. Yet, it is clear from the available data before the committee that these programs alone are not adequate to keep up with the rising demands for higher education and the rising costs of going to college. To meet this need, this bill creates a new program of basic educational opportunity grants for all students in institutions of higher education for whom family contributions are insufficient to enable them to attend a college or university. For the 3 years ending in 1975, the Commissioner of Education shall pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education, a basic educational opportunity grant of $1,400 minus the amount which can reasonably be expected to be contributed by the student's family. No grant may be in excess of 50 percent of the actual cost of attendance at the college or university and, except under special circumstances, no grant shall be made if the amount computed is less than $200. This program marks a milestone in Federal student assistance programs, and I am proud that I was able to play a role in its formulation.

Under the original bill, this grant was established at a maximum rate of $1,200, and in my judgment and the judgment of many of my colleagues on the committee, it would have excluded large numbers of students from middle-income families who are in need of funds. To provide a greater balance to this program, I offered an amendment during committee consideration of the bill to increase the maximum grant to $1,400 per year. With this amendment, families with two children and an income of $10,000 per year who were previously ineligible for the basic grant, will now be in a position to receive $300 in aid if one child is in college. In addition this larger amount of student assistance from the Federal Government will provide a larger basic grant for disadvantaged students and will free up substantial funds which schools may give to students who could not now expect such scholarships.

The second landmark program in the bill provides assistance for schools for each student who is a recipient of a basic grant and who is in attendance at such college or university. This program is designed to encourage institutions of higher education to enroll more low- and middle-income students which will broaden their student base and, we hope, open up greater opportunities for students who do not now attend college. In addition, these institutional grants will help reimburse the schools for improving the quality of teaching and providing specialized services which may be needed by less-advantaged students we are inducing them to enroll.

Many of us would like to provide a greater measure of support to the colleges and universities in order to help them alleviate their increasing financial burdens which have developed over the past decade. However, serious questions have been raised regarding direct, across-the-board institutional support, particularly in light of recent Supreme Court decisions, and it is my feeling that we will have to defer on this matter until many of these issues have been clarified. Nonetheless, the $1.7 billion cost of education programs is a significant step forward, and merits the enthusiastic support of us all.

The third significant program which I will speak to concerns the development of community colleges.

During the past 10 years, one of the most striking developments in American higher education has been the phenomenal growth of community colleges. In 1960, 660,216 degree credit and nondegree students were enrolled in 2-year community colleges. In the fall of 1970, this number grew to 2,499,839, representing almost a 400-percent increase for that period of time. According to the U.S. Office of Education, 44 percent as many students enrolled in 2-year institutions as are enrolled in the first 2 years of universities and other 4-year institutions. The number of these schools has grown from 678 in 1960 to 1,091 in the fall of 1970.

There are many reasons accounting for this community college "explosion." It is the comprehensive community colleges which have demonstrated that they are best equipped for the task of extending and expanding much-needed educational opportunities in the United States. They are low-cost institutions, some of which charge no tuition at all. Those public community colleges which do charge tuition average approximately $250 per year. According to the U.S. Office of Education, the average community college student budget is $1,400, including tuition, fees, reasonable commuting cost, books, personal expenses, and room and board. At public 4-year schools, these same costs have been estimated at $2,000 per year, and this figure rises to $3,200 per year in private 4-year institutions.

Community colleges are of particular appeal to students because of their proximity to those they are designed to serve, because of their flexible admission arrangements, and their strong counseling and advising services. They offer a greater number of programs for a wider variety of students, and the curriculum of a community college grows out of the needs of society, the community it serves, and the needs of its students. They have designed their course offerings to meet personnel requirements in such diverse fields as medicine, engineering, and social service. In addition, they provide new directions in urban education as well as offering promise in job preparation

and cultural, academic, and remedial education.

Because of their great popularity, the Carnegie Commission estimates that by 1980 there will be a need for approximately 230 to 280 new public community colleges. And the report continues:

The Commission's estimates of needs for new community colleges by 1980 are based on the assumption that all public two-year branch campuses and two-year specialized institutions that do not have comprehensive programs will move promptly to develop curricula that are truly comprehensive, as the Commission has recommended. If this should not occur, there would be a need for some 400 to 450 new community colleges by 1980 rather than only 230 to 280.

In addition to the inadequate number of community colleges, we face the fact that there has been a disproportionately low-allocation of Federal funds for these schools. The community colleges of the Nation serve a truly comprehensive role in our educational system. Not only do they offer the first 2 years of traditional higher education providing the student who so wishes, the ability to transfer to a 4-year school to earn a baccalaureate degree, but their significance as community institutions is found in the ability and effort to provide education at a wide variety of levels. Yet, during fiscal year 1971, it has been estimated that they will receive less than 6 percent of the $4.4 billion budget administered by the U.S. Office of Education.

In response to the growing demand for community college education and the relatively small amount of Federal support for this form of education, I introduced a bill in the 91st Congress, S. 1033, designed to provide substantial assistance for comprehensive community college education. During 2 days of hearings on July 21 and 22, 1970, the committee heard exciting and persuasive testimony from educators across the country. Without exception, those individuals made an urgent plea for more direct Federal attention to community colleges and those other schools which fulfill the role of providing a comprehensive community college education. We heard of the great flexibility of these young institutions which neither have, nor intend to acquire, the rigidity that comes from overbearing traditions. We found that the shedding of a sense of "status" puts community colleges in closer empathy with the poor, the unaccepted, and the classless. We saw a new breed of administrators who are challenging the "Establishment." And the committee learned that the responsiveness of community colleges to the needs of their constituency had made them "rebellion reluctant."

The press of other legislative business did not permit the committee to complete action on this bill, and it was reintroduced in the 92d Congress in substantially similar form. One additional day of hearings was held on April 1, 1971. The witnesses at this hearing once again emphasized the need for expanded Federal support of community college education, but indicated that many of the provisions of S. 659 would incorporate important features of the Comprehensive Community College Act of 1971. They expressed their support for the increased set-aside for community colleges in the Higher Education Facilities Act and were enthusiastic about the student aid in institutional support provisions of that bill. It was their feeling, therefore, that the necessary additions to S. 659 should encompass provisions for State planning start-up and expansion grants for community colleges, provisions for the leasing of facilities for new and expanded community colleges, and the establishment of a unit within the Office of Education which would coordinate all programs administered by the Commissioner which affect community college education.

All of these have been incorporated in a new section of the bill which could provide up to $290 million for these 2-year institutions over the next 4 years.

Mr. President, the directions for higher education in the United States which this bill contemplates are bold, innovative, and of utmost importance to the future of this great Nation. The bill before us today is the result of long, hard work, and is a tribute to the creativity of the men with whom I serve on the Labor and Public Welfare Committee. Each one of them deserves the greatest praise for his interest and concern for the development of a rational and forward-looking approach to education in America. Yet above all, I must point to the tireless efforts of the chairman of the Education Subcommittee, Senator PELL. He has demonstrated an understanding for the problems of higher education which is second to none among the Members of this body. He has shown his compassion for the needs of the students whose aspirations have created the enormous demand for postsecondary schooling. And his success in guiding this bill through the committee, clearly shows his brilliant legislative ability. We are all in his debt for the fine service he has rendered to the Senate and the Nation.

Mr. President, the United States cannot afford to lock the doors to education. Too much is at stake for ourselves and for our children. Today we are in a unique position to pass legislation which can be the key to open those doors and show the way to full educational opportunity for all Americans. We can afford to do no less.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called 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. BYRD of West Virginia. Mr. President, will the Senator from Rhode Island yield me time on the bill?

Mr. PELL. Absolutely.

ORDER FOR RECESS UNTIL 8:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:45 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS MATHIAS, MOSS, AND McCLELLAN TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that, immediately following the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. MATHIAS, Mr. Moss, and Mr. MCCLELLAN.

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

PROVISION FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I further ask unanimous consent that at the conclusion of the orders recognizing Senators on tomorrow, there be a period for the transaction of routine morning business for not to exceed 10 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR CONSIDERATION OF THE MILITARY CONSTRUCTION BILL, H.R. 9844, TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business tomorrow, the Senate proceed to the consideration of the military construction bill, H.R. 9844.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on the disposition of the military construction authorization bill tomorrow, the Senate return to the consideration of the unfinished business, S. 382, the so-called Federal elections campaign bill.

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

ORDER FOR RECESS FROM TOMORROW UNTIL 8:30 A.M., FRIDAY, AUGUST 6, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 8:30 a.m. on Friday.

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

ORDER FOR RECOGNITION OF SENATORS PROXMIRE, RIBICOFF, AND GRAVEL ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Friday under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the

order stated: Senators PROXMIRE, RIBICOFF, and GRAVEL.

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

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT ON THE DISASTER RELIEF ACT, S. 2393

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previously entered unanimous-consent agreement on the disaster relief measure, S. 2393, be modified to provide for 1 hour on the bill, rather than 2 hours on the bill, to be equally divided.

Mr. GRIFFIN. Mr. President, reserving the right to object, has this been cleared with the ranking Member on our side?

Mr. BYRD of West Virginia. Yes. In response to the distinguished acting Republican leader, may I say that the distinguished majority leader indicated to me a little while ago that he had cleared this with the senior Senator from Kentucky (Mr. COOPER).

Mr. GRIFFIN. I thank the Senator.

Mr. BYRD of West Virginia. And I have since cleared it with the junior Senator from New Mexico (Mr. MONTOYA), the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

CORRECTION OF THE CALENDAR WITH RESPECT TO A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, with respect to the unanimous-consent agreement on the higher education bill—which is, at the moment, the pending business—in my request on yesterday I asked that time on any amendment to an amendment thereto be limited to one-half hour. I note that in the verbiage of the unanimous-consent agreement as set forth on the calendar of business for today, no reference is made to time on amendments in the second degree.

I call attention to my specific request, which is stated on page 13019 of the RECORD, and I ask unanimous consent that the written agreement which will appear on the calendar of business for tomorrow morning, and that any other statements of such agreement that may have been printed, be modified in accordance with my original request which which specified one-half-hour on any amendment in the second degree.

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

QUORUM CALL

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

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EDUCATION AMENDMENTS OF 1971

The Senate continued the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

AMENDMENT NO. 393

Mr. PELL. Mr. President, I send to the desk an amendment on behalf of myself and the junior Senator from Michigan (Mr. GRIFFIN), to provide for the Office of Education to undertake a national program of metric education in the United States.

The PRESIDING OFFICER. The amendment will be printed and will lie on the table.

Mr. PELL. Mr. President, this past Friday, the Secretary of Commerce, Maurice Stans, recommended to the Congress—

That early priority be given to educating every American schoolchild and the public at large to think in metric terms.

In recommending action steps, Secretary Stans stated:

Two areas merit immediate attention, *even if a national program is not adopted*: education and international standards.

In the U.S. metric study report which the administration presented to Congress, it was stated:

Almost all the participants in the United States Metric Study stressed the importance of education in any change to metric. . . . The National Education Association has urged that, as early as possible, all children be taught metric as the primary language of measurement. Timely government assistance may be needed to help develop teacher training plans and materials.

The metric study also suggested the need for an adult education program in metric.

Noting that only 10 percent of students in elementary and intermediate education now have been taught metric, the metric study brought out a most important point:

Children starting school this fall will be 35 years old at the turn of the century. To fail to train them adequately in metric will be to fail to equip them properly for the world they will inherit.

Mr. President, the amendment I offer is simply to provide the Office of Education with the authority to enact the mandate recommended by the U.S. metric study. It would provide authority for the Office of Education to undertake, in coordination with the Department of Commerce, a national education program to prepare the country for metric conversion.

As a long time advocate of metric conversion, and as the one who sponsored the legislation authorizing the U.S. metric study, I could cite many reasons for the need for metric conversion. For example, the U.S. trade position is hurt by the fact that it is the only major industrial country that is not metric. However, at this late hour, I will not elaborate except to note that one way or other—that is, by law or by volunteer efforts—it would seem inevitable that the United States will be going metric, and our citizenry should be prepared.

Moreover, I would note that the Secretary of Commerce recommends a massive metric education program as an urgent priority, not notwithstanding any steps taken by the United States to convert officially to the metric standard.

Mr. President, there are a number of sections in the U.S. metric study which outline in more detail the need for the type of metric education program I have suggested. I ask unanimous consent that material and Secretary Stans' letter of recommendation be printed in the RECORD.

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

EDUCATION

Educators are nearly unanimous in their endorsement of the metric system. A public hearing devoted to education was attended by representatives of all leading teacher and school administration societies as well as many firms in the educational field. They represented a total of 1,600,000 people.

Speaking for more than one million of these, one participant said in a prepared statement: "The National Education Association believes that a carefully planned effort to convert to the metric system is essential to the future of American industrial and technological development and to the evolution of effective world communication." He further urged that, starting with the upcoming school year, all teachers should teach metric as the primary system of weights and measures in the U.S.

Virtually all the individuals in the educational system and the firms associated with it make some use of the metric system and are in favor of a planned conversion program, a finding supported by a special survey conducted as part of the U.S. Metric Study. This survey found that about 10 percent of the boys and girls in elementary and intermediate grades are taught something about metric units. Nevertheless, like their parents, they still think primarily in terms of inches, pounds, and degrees Fahrenheit—inevitably, since they live in a mostly non-metric environment.

"It's easy to compute with metric units. All you have to do in many cases is add a zero or move a decimal point."

"There are only a few units and the relationships among them are pretty simple. No need to remember how many cubic inches in a gallon or whether an ounce is fluid or avoirdupois."

"Decimal relations are intellectually more satisfying."

"The International Metric System has different terms for mass (the kilogram) and force (the newton), eliminating a confusion between mass and force that has perplexed generations of students."

Children starting school this fall will be 35 years old at the turn of the century. To fail to train them adequately in metric will be to fail to equip them properly for the world they will inherit.

Through newspapers, magazines, radio, television, and other media; the British Metrication Board is informing people about kilograms, meters, degrees Celsius, and a few other metric units they are likely to encounter in everyday life, trusting them to pick up on their own any more technical details they may desire to know.

A U.S. national program could presumably rely on a similar approach to adult education. The American Association of Museums has volunteered to display popular exhibits on the metric system. And the Advertising Council, which helped greatly to publicize such national programs as the Peace Corps and the campaign against cancer, has offered to help in a national metric changeover.

* * * Education Association has urged that, starting this fall, all children be taught metric as the primary language

of measurement. A survey conducted especially for the U.S. Metric Study suggests, however, that school systems are not ready to move that rapidly. The consensus was that for primary and secondary education a five-year transition period would be a bit tight, since two or three years would be needed for planning. But textbooks would probably present no obstacle; one major publisher of science texts assured the survey team that he could convert his entire line of books from Customary to metric units in successive printings over three years.

* * * * *

Educators and the firms that work with them see substantial benefits more than compensating for the costs of a metric changeover. The education survey, conducted as part of the U.S. Metric Study, indicated that changing textbooks and equipment would cost about $1 billion spread over three to five years. If they were changed for no other reason than going metric, the cost could be attributed to a metric changeover. In fact, however, most textbooks are replaced anyway after a few years of use and, thus, most of the $1 billion could be completely absorbed and would not appear as an extra item in school budgets. Indeed, new science curricula based on the metric system are already planned for schools.

Training teachers who are still not familiar with the metric system would represent another expense. But since most teachers these days pursue programs of continuing education, the cost would probably be inconsequential and could be absorbed if the conversion were made over a period of several years. It was suggested during the public hearings that much teacher instruction in metric could be done through programs on educational television.

The intangible benefits of going metric might well be substantial. Some teachers pointed out, for example, that it is very difficult for small children to learn to interpret the graduations on a Customary ruler; centimeters and millimeters are conceptually much simpler than small fractions of an inch.

Citing a study it had sponsored, the American Association for the Advancement of Science mentioned an additional intangible benefit. It has been found that slower children learn metric more readily than they do the Customary system—a factor that could not possibly be expressed in monetary terms.

Much more important, though, is the time that could be saved if students did not have to be drilled in the fractions necessary to cope with the Customary system. Estimates varied, but mathematics teachers said that in elementary school they spend from 15 to 25 percent of their class time driving home the details of adding, subtracting, multiplying, and dividing common fractions. They believe much of this is unnecessary. If the metric system, with its simpler decimal relationships, were taught, they could rapidly give their pupils the basic principles of fractions and then move on to other useful aspects of mathematics.

The Australian metric study (see Appendix Two) arrived at an almost identical conclusion: "There seems no question that considerable time would become available for valuable new work if metric units were taught in place of the Imperial. The arithmetical procedures required for use with the metric system would be no different from those of ordinary decimal work and money sums, which would give a unity to this phase of mathematical education . . . Various estimates have been made of the actual saving in time which would result from the adoption of the metric system. The British Association for the Advancement of Science and the Association of British Chambers of Commerce estimated in 1960 that there would be a saving of 20 percent in the teaching of arithmetic or 5 percent in the total school time for children between seven and eleven years."

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C.

Hon. PRESIDENT OF THE SENATE,
Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIRS: I have the honor to transmit to you the Report on the U.S. Metric Study, which was conducted by the National Bureau of Standards of the Department of Commerce.

Thousands of individuals, firms and organized groups, representative of our society, participated in the Study. After weighing the extensive evidence presented by these participants, this report concludes that the United States should change to the metric system through a coordinated national program.

I agree with this conclusion, and therefore recommend

That the United States change to the International Metric System deliberately and carefully;

That this be done through a coordinated national program;

That the Congress assign the responsibility for guiding the change, and anticipating the kinds of special problems described in the report, to a central coordinating body responsive to all sectors of our society;

That within this guiding framework, detailed plans and timetables be worked out by these sectors themselves;

That early priority be given to educating every American schoolchild and the public at large to think in metric terms;

That immediate steps be taken by the Congress to foster U.S. participation in international standards activities;

That in order to encourage efficiency and minimize the overall costs to society, the general rule should be that any changeover costs shall "lie where they fall";

That the Congress, after deciding on a plan for the nation, establish a target date ten years ahead, by which time the U.S. will have become predominantly, though not exclusively, metric;

That there be a firm government commitment to this goal.

The Department of Commerce stands ready to provide whatever further assistance the Congress may require in working out a national plan and putting it into effect.

Respectfully submitted,

MAURICE H. STANS,
Secretary of Commerce.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of the Military Construction Authorization Act, 1972, that it be stated by the clerk, and that time thereon not begin to run until tomorrow when it is laid before the Senate at the close of routine morning business.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read the bill as follows:

H.R. 9844, to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:45 a.m. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated:

Senators MATHIAS, Moss, and MCCLELLAN.

At the conclusion of the orders recognizing Senators, there will be a period for the transaction of routine morning business, for not to exceed 10 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will again proceed to the consideration of the Military Construction Authorization Act, 1972, H.R. 9844. The time is controlled thereon, there being 1 hour on the bill and one-half hour on any amendment thereto. At least one rollcall vote can be anticipated on final passage, and there may be other votes on amendments.

Upon disposition of the Military Construction Authorization Act, 1972, the Senate will return to the consideration of the unfinished business, S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices and for other purposes. It is anticipated that action will be completed on the Federal elections bill tomorrow. Several rollcall votes have been indicated on amendments, and a rollcall vote on final passage can be expected.

Following the disposition of the Federal elections campaign bill, the Senate, at that point, will either immediately resume consideration of the higher education bill, or it may at that time take up the Disaster Relief Act, depending on the judgment of the distinguished majority leader under the circumstances which may obtain at that point.

In any event, the majority leader has indicated that the Senate will be in session late tomorrow evening, and that there will be votes throughout the day, and on Friday.

Among the measures—other than those I have just referred to—which remain for consideration before the August 6 recess begins at the close of business on Friday, are these:

The continuing resolution.

The Labor-HEW conference report.

The $1 billion employment assistance appropriation bill.

There may also be other calendar items and/or conference reports, including, hopefully, action on S. 2007, the economic opportunity bill. I repeat, there will be several rollcall votes ahead of us before the summer recess begins at the close of business on Friday.

RECESS TO 8:45 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 8:45 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 7 minutes p.m.) the Senate recessed until tomorrow, Thursday, August 5, 1971, at 8:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 4 (legislative day of August 3), 1971:

DEPARTMENT OF THE TREASURY

Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue.

NATIONAL MEDIATION BOARD

Peter C. Benedict, of Virginia, to be a member of the National Mediation Board for the term expiring July 1, 1974.

OFFICE OF SCIENCE AND TECHNOLOGY

John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology.

U.S. AIR FORCE

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Selmon W. Wells, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. Louis L. Wilson, Jr., [redacted] FR (major general, Regular Air Force), U.S. Air Force.

U.S. NAVY

Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Harry C. Olson
Ralph H. Spanjer
Fred E. Haynes, Jr.
Lawrence F. Snoddy, Jr.
Ross T. Dwyer, Jr.
Joseph C. Fegan, Jr.
Leslie E. Brown

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

William L. McCulloch
Robert W. Taylor
Adolph G. Schwenk
William H. Lanagan, Jr.
Francis W. Vaught
Robert L. Nichols
Clyde R. Mann
Albert C. Pommerenk
Herbert L. Wilkerson
Manning T. Jannell
Ernest R. Reid, Jr.

IN THE ARMY

The nominations beginning Robert W. Sherwood, to be lieutenant colonel, and ending Strathmore K. McMurdo, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 1971.

IN THE NAVY

The nominations beginning Doyle E. Campbell, to be commander, and ending Ronald R. Yates, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the Congressional Record on July 14, 1971.

IN THE MARINE CORPS

The nominations beginning Paul R. Ahrens, to be second lieutenant, and ending Stephen L. Shivers, to be second lieutenant which nominations were received by the Senate and appeared in the Congressional Record on July 14, 1971.

HOUSE OF REPRESENTATIVES—*Wednesday, August 4, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If we confess our sins, He is faithful and just to forgive us our sins and to cleanse us from all unrighteousness.—I John 1: 9.

We thank Thee, our Father, that in the stress and strain of daily living we may pause a moment before the altar of prayer and lift our hearts unto Thee.

We confess that we have not lived up to our own high ideals. We have done many things we ought not to have done and left undone many things we ought to have done. Forgive us, we pray Thee, and help us to amend our ways. By Thy grace may we not waste time in vain regrets nor take ourselves too seriously but in humility and with courage and faith may we enter this new day to do the work Thou hast given us to do, in the spirit of Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9272) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 26, to the foregoing bill.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a statement. Until the conference report on the draft bill is disposed of the Chair is not going to receive unanimous-consent requests, but will thereafter, due to the fact that we are trying to adjourn the House as soon as possible.

CONFERENCE REPORT ON H.R. 6531, EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 578

Resolved, That immediately upon the adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, and all points of order against said conference report are hereby waived.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes for the minority to the able and distinguished gentleman from California (Mr. SMITH); and, Mr. Speaker, pending that I yield myself such time as I may consume. I assure the Speaker and those Members present that the time consumed will be brief.

Mr. Speaker, the House some 7 or 8 weeks ago passed the so-called draft bill. It went over to the other body, and that body placed a substantial number of amendments upon that bill, and it went to conference.

Among the amendments which were placed on the bill was the so-called Mansfield amendment.

I think most of the Members are familiar with the Mansfield amendment and its purpose. When the bill got to conference the conferees had some difficulty in coming to an agreement on the issue and on the language involved. To be plain and specific and blunt about it, the Senate amendment, the so-called Mansfield amendment, specified a time for withdrawal of all of our troops in Vietnam.

The House conferees, under the able leadership—and I emphasize that—the able leadership of the chairman of that committee, the gentleman from Louisiana (Mr. HÉBERT), and the gentleman from Illinois (Mr. ARENDS), upheld the House position in the matter, but finally, as in all matters of this nature, there was some necessity for compromise.

The compromise arrived at, in my judgment, upholds the position of the House. It also gives the President of the United States, the Commander in Chief,